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9. North Crescent Barracks

AUCKLAND.

Government House, Official Bay, & Barracks from the Eastward (see p. 11)

Drawn on Stone & Engraved by T. Goussier.

NEW ZEALAND,
ITS
ADVANTAGES AND PROSPECTS,
AS A
BRITISH COLONY;
WITH A FULL ACCOUNT OF
THE LAND CLAIMS, SALES OF CROWN LANDS,
ABORIGINES, ETC. ETC.

BY
CHARLES TERRY, F.R.S. F.S.A.

LONDON:
T. & W. BOONE, 29, NEW BOND STREET.

MDCCCLII.



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PREFACE.

THE Colony of New Zealand has attracted much attention and interest in England, as a most advantageous channel for emigration, and numerous accounts have been published in former years of that part of the North Island, in the immediate vicinity of the Bay of Islands; and—more recently, of the shores of Cook's Straits, where have been established the settlements of the New Zealand Company.

But these are only portions of a Colony as large in extent as Great Britain, situated at the two extremes of the North Island, and distant six degrees of latitude from each other.

The large Gulf of Houraki, nearly midway between the North Cape and Cook's Straits, on the eastern coast of the North Island, has several fine rivers discharging into it:—the Waihou or Thames, Piako, Wairoa, Tamaki, and Waitemata. On the south bank of the latter, has been established Auckland, the Government and Metropolitan city of New Zealand.

In various excursions, and during a residence of more than twelve months, on the shores and districts adjacent to these rivers, for the purpose of ascer-

taining the true capabilities and resources of the country,—of witnessing the character, customs and habits of the Natives,—and of learning their language,—notes were made, from personal observation and investigation, as well as from communication with respectable persons, long resident on the Islands.

These memoranda accumulated to a considerable extent; and, on returning to England, in the latter months of 1841, their arrangement and condensation was an occupation to beguile the monotony and tediousness of a long voyage.

The description of Auckland, the capital, and of the neighbouring country and coasts will, doubtless, excite considerable interest; but replete with higher importance and deserving of serious consideration are the very peculiar circumstances in which New Zealand is placed, by its becoming a dependency of the British Crown.

These circumstances, which it is presumed are little known and understood in England, are—

The novel position of the Government, as regards the territorial possessions of the Aborigines:

The numerous and extensive Land Claims of Europeans, by alleged purchases from the Natives, previous to the Declaration of the Sovereignty of Her Majesty, who, by proclamation, has declared, “it is not intended to dispossess them, if acquired on equitable terms.”

The effect which the adjudication of these claims will have on the Government sales of Crown lands,

and on the fund for the purposes of emigration ;—
and, lastly,

The unavoidable necessity, from the extent of coast and the various settlements throughout the Islands being so distant from each other, of the expenditure on the first and many subsequent years exceeding to a large amount the revenue, very disproportionate to the population, and bearing no analogy to other colonies.

To elucidate and fully explain therefore these important circumstances is the object of the following pages ;—not only, that the public mind may be disabused, and rightly informed, on the present real state of the Colony of New Zealand ;—but also, with a fervent hope, that a humane and just policy may be adopted, by the British Government and Legislature, towards a noble race of Aborigines, whose native land has resources and capabilities to render it, by judicious measures, one of the most valuable colonial appendages of the British Crown.

LONDON,
1st May, 1842.

CONTENTS.

PART I.

HISTORY OF THE COLONY OF NEW ZEALAND.

CHAPTER I.

	PAGE
Early periods of the Colony—British Resident—British Consul—Lieutenant-Governor—Arrival of Lieutenant-Governor at Bay of Islands—Proclamations of Her Majesty—Treaty with the Natives for the Sovereignty at Bay of Islands—Treaty of Waitangi—Treaty with the Natives for the Sovereignty at Hokianga—at Kaitia—Speech of Native Chief—Treaty with the Natives for Sovereignty—On the East Coast—On the Southern Island—On the Middle Island.	3

CHAPTER II.

Town of Russell—The Waitemata—Harbour and Town of Auckland—Mount Eden—The Nga te Whatua Tribe—Orakei—River Tamaki—Mount Wellington—Manakao Harbour—Waikato River—Coromandel Harbour—Mercury Bay—The River Waihou or Thames—The River Piako—Island of Waiheke—Maurangi—Matakana—Tutukaka—Russell—Wangaroa	28
--	----

CHAPTER III.

Auckland—Separation of the Colony from New South Wales—Captain Hobson appointed Governor of the Colony of New Zealand—Councils and Government Officers—First Session of Legislative Council—Speech of the Governor—Ordinances—Building of Auckland—Erection of a Metropolitan Church—Roman Catholic Church—Newspaper and Bank	46
---	----

CHAPTER IV.

Provisions—Animals—Vegetables—Nature of the Country—Supply of Provisions—Price of Provisions—Rents and Wages—Shipping—Climate and Weather—European Population	55
---	----

PART II.

ON LAND CLAIMS IN NEW ZEALAND.

CHAPTER I.

PAGE

Land Claims peculiar to New Zealand—Effect of the intention of Home Government—and of the Plan of the New Zealand Company—Purchases from the Natives—Proclamation as to Land Claims—Governor Hobson's Letter to the Marquis of Normanby—Bill to appoint Commissioners—Principles of the Bill—Case of the Port Phillip Association—Case of New Zealand Company—Arguments against the Bill—Reasons for it—Preamble—Clauses—Schedules of the Bill—Despatches of Sir George Gipps to Lord John Russell	71
--	----

CHAPTER II.

Appointment of Commissioners—Ordinance of Legislative Council of New Zealand—Nature of Claims—Number of Claims—Claims in North Island, or New Ulster—Claims in the Middle Island, or New Munster—Claims in Stewart's Island, or New Leinster—Area of the Three Islands—Consideration given for Land—Mode of investigation of Claims—Tenure of Land among the Natives—Amount and Date of Consideration given—Example of Claims	90
---	----

CHAPTER III.

Large Claims on Middle Island—Reasons for immediate Decision on Land Claims—Effect of Land Claims on Sales of Crown Lands—Necessity for Increased Numbers of Commissioners—Question as to Surplus of Land from good Claims—Claims to Land by Inter-marriage of Englishmen with the Natives—Lands of the Aborigines	107
--	-----

CHAPTER IV.

ABSTRACT OF LAND CLAIMS.

Land Claims on North Island, New Ulster—West Coast—Hokianga—Kaipara—Manakao—Rivers Waikato and Waipa—Kawia—Wangaroa—Taranaki—On East Coast—Doubtless Bay—Kaitaia—Mongonui—Wangaroa—Bay of Islands—Tutukaka—Wangari and Bream
--

Bay—Waitemata—Coromandel Harbour—Rivers Thames and Plako —Mercury Bay—Tauranga—East Cape—Poverty Bay—Hawkes Bay—Table Cape—Cook's Straits—Islands of Rangi Toto, Motu Tapu, Motu Te, Motu Koreho, Great Barrier—On Middle Island, New Munster—West Coast—Cape Farewell—Mistaken Bay—Port Adventure—Dusky Bay—Foveaux's Straits—East Coast—Otako— Akaroa—Cook's Straits—Blind Bay—Admiralty Bay—Islands of Manna, Kapiti, Kanarra, Ahamataroa, Green Island, Spencer's Island —On Stewart's Island, New Leinster—The whole Island and the Island of Erecochere	121
--	-----

PART III.

ON THE SALE OF CROWN LANDS IN NEW ZEALAND.

CHAPTER I.

Colonial Regulation for the Sales of Land—First Sale of Town Allotments at Auckland—High Prices—Cause of High Prices—Land Jobbers—Re sale of Town Allotments—Government Controul of Sales—Impolicy of Large Areas—Letter of the Surveyor-General	129
--	-----

CHAPTER II.

Sale of Country Lands—Necessity of Settlers obtaining Land with facility—Injustice of Reservation of Land—Nature of Country Allotments—Sale of Government Land—Impolicy of Large Allotments—Formation of Villages and Towns—System in New South Wales	147
---	-----

CHAPTER III.

Necessity for Restrictions on Re-sales of Land—Importance of Measures as regards the Sale of Crown Lands—Difference between New Zealanders and other Natives—Effect of Land Claims on Sales of Crown Lands—Competition of New Zealand Company in Sales of Land—New Zealand compared with Upper Canada—Doubts of any Funds from Sales of Crown Lands for Emigration	160
--	-----

PART IV.

ABORIGINES OF NEW ZEALAND.

CHAPTER I.

	PAGE
Origin—Population—Causes of Decrease of Population—Language— Address of the Protector to the Aborigines in the Native Language —Education of the Natives—Missionaries—Roman Catholics—Pro- testant Bishop and Clergymen	175

CHAPTER II.

Character of the Natives—Forbearance of the Natives—Consideration of the Natives—Natives not Aggressors—Barque Harriet—Ruther- ford's Narrative—Supposed Acts on English Coast—Recent Instances of Aggression by Europeans—Forbearance and judicious conduct of the Natives	193
---	-----

CHAPTER III.

Protection of Aborigines—Difference between Australian and New Zea- land Natives—Reserves of Land for Natives—Treatment of Natives as British Subjects—Protection of Aborigines—Dangers of Injustice to the Natives—Former Errors of Civilization of Aborigines—Pro- tectors of Aborigines—Fund for the expense of Protection of Abori- gines	204
--	-----

PART V.

ON THE FUTURE PROSPECTS OF THE COLONY.

CHAPTER I.

Resources and Exports—Timber—Kauri—Labour in bringing Timber from Forests—Timber for Ship-building—Tanikaha—Pohutukaua— Comparative prices of Timber—Flax—Whale Fishery	227
---	-----

CHAPTER II.

Labour and Agriculture—Distinction between New South Wales and New Zealand—Sheep and Wool—Convict Labour—Roads, Bridges, &c.—Assigned Servants—Native Labour in New Zealand—Agricul- ture in New Zealand—Labour and Expense of Clearing—Corn as an Export—Small Farms—Class of Emigrants adapted to New Zealand —New Zealand the seat of Manufactures	254
--	-----

CHAPTER III.

	PAGE
Revenue and Expenditure—Taxes in Mauritius and Canada—Extent of Coast in New Zealand—Estimates for 1841-1842—Civil Establishment—Customs—Mounted Police—Instance of Native Tact—Abstract of Government Estimates	262

CHAPTER IV.

Proposed Measures—Inconsistency of Measures as regards Land Claims—As regards Sales of Crown Lands—Sources of Revenue—Proposed Measures—Land Tax—Colonial Land Commissioners—Imported Labour—Uncultivated Land Tax—Example of a Farm—Cultivated Land Tax—Example of the Land Tax—Small Farms—Future Measures	284
--	-----

APPENDIX.

A.—Proclamation asserting Her Majesty's authority in New Zealand	305
B.—Proclamation declaring all Titles to Land in New Zealand null and void	307
C.—Treaty of Waitangi between Her Majesty and the Native Chiefs	309
D.—Sailing Directions for Auckland	311
E.—Charter for erecting the Colony of New Zealand	314
F.—Table of Duties of Customs payable in New Zealand	321
G.—Ordinance of Governor and Council to appoint Commissioners for Land Claims	322
H.—Estimates of the Colony of New Zealand for the year 1841-1842	337
I.—A Bill for regulating the Survey and Sales of Lands belonging to the Crown in the Australian Colonies and New Zealand	356

LIST OF MAP AND PLATES.

**MAP of the Harbour and Town of Auckland, the Capital of New Zealand,
with the adjacent districts of the Rivers Waitemata, Tamaki, Wairoa,
Waihou or Thames, Piako, Waipa, Waikato, Manakao, &c.**

Auckland—Government House, &c.	<i>Frontispiece.</i>
Auckland—Entrance to the Harbour	<i>Page</i> 28
Roto Ma, one of the Roto Rua Lakes	46
Auckland—View of the Fort from the Church	55
Fortified Native Village	71
View from the Banks of the Waihou or Thames of the Fall of the Wai Riri	90
Fortified Native Village	107
Auckland—Commercial Bay, Shortland Crescent from the Westward	129
Auckland—Commercial Bay from the Eastward	147
Portrait of Te Kauwau, chief of the Nga te Whatua	175
Portrait of Te Reweti, eldest son of Te Kauwau	193
Portraits of Hira and Paora	206

PART I.

HISTORY
OF THE
COLONY OF NEW ZEALAND,
FROM ITS
DEPENDENCY ON THE CROWN OF GREAT BRITAIN
TO 1842.

B

HISTORY

OF THE

COLONY OF NEW ZEALAND.

CHAPTER I.

EARLY PERIODS OF THE COLONY—BRITISH RESIDENT—BRITISH CONSUL—LIEUTENANT-GOVERNOR—ARRIVAL OF LIEUTENANT-GOVERNOR AT BAY OF ISLANDS—PROCLAMATIONS OF HER MAJESTY—TREATY WITH THE NATIVES FOR THE SOVEREIGNTY AT BAY OF ISLANDS—TREATY OF WAITANGI—TREATY WITH THE NATIVES FOR THE SOVEREIGNTY AT HOKIANGA—AT KAITAIA—SPEECH OF NATIVE CHIEF—TREATY WITH THE NATIVES FOR SOVEREIGNTY ON THE EAST COAST—ON THE SOUTHERN ISLAND—ON THE MIDDLE ISLAND.

To the authentic geographical information given by Captain Cook, on his first and subsequent voyages to New Zealand, 1769-1774, of the coasts and harbours of the North and Middle Islands of New Zealand, very little addition has hitherto been made.

Exclusive of the project of Dr. Franklin, whose attention and philanthropic feelings were excited by the accounts of Cook, New Zealand for the succeeding half century was considered as the abode

of savages and cannibals, and without the pale of civilization.

The coasts were occasionally visited by whalers, by which some communication was held with the Aborigines, and from which many disastrous and fatal consequences ensued, tending to increase the unfavourable impression of the ferocious and sanguinary character of the natives.

In the year 1815 the Rev. Mr. Marsden commenced his endeavours to establish some few persons on the Peninsula at the northern part of the North Island, with a view to improve the social condition of the native inhabitants, and so to prepare them for receiving the truths of Christianity.

The Bay of Islands was the station and residence of the Missionaries, and in fact the only harbour for a long period frequented by vessels. The visits of early travellers extended no farther than from the Bay of Islands, — to the northward, along the coast as far as Wangaroa, twenty-five miles from the Bay, — and inland, across to Hokianga, forty miles distant on the Western Coast.

Captain Cruise and Mr. Marsden appear to have sailed round the North Cape, along the Western Coast, as far as Hokianga, and down the Eastern Coast, to the southward of the Bay of Islands, but it is very doubtful whether they ever reached the River Thames.

The large Gulf of Houraki, which, on entering from the northward, has for its two heads Point Rodney and the Great Barrier Island, and from the

eastward the latter and Cape Colville, was called by Cook the Thames; but the entrance to the river itself, at the south-eastern extremity of the gulf, is shut in by numerous islands.

The river which Mr. Marsden entered must have been, by the account of the Rev. J. Butler who accompanied him, the Tamaki or Mogia, whence he returned across the country from the western extremity of the Waitemata to Kaipara, and down the Wairoa back to the Bay of Islands. Therefore the North Island, south of the isthmus formed by the narrow neck of land between the Waitemata and Manakao, on the Western Coast, was quite unknown, as well as the Middle and South Islands.

The volume published in 1830, entitled "The New Zealanders," by the Society for Diffusion of Useful Knowledge, compiled from the Reports of the Missionaries, and from the few journals, narratives, and accounts of New Zealand then extant, embodied all that was known up to that period: but as therein observed—"all these accounts taken together, add little or nothing to our previous knowledge, even of the Northern Island of New Zealand." (New Zealanders, p. 83).

During this long period, the Islands being under no ostensible government or authority, were universally considered by vessels of all nations neutral ground and free ports; but as the settlement at the Bay of Islands increased in numbers, and the visits of the whalers, both English and foreign, became more frequent, in addition to runaway sailors and con-

victs from New South Wales escaping to the coasts, —lawless acts and outrages of Europeans became so numerous, that the settlers applied to the Government at Sydney for protection of their persons and property, by the appointment of some constituted authority over them, and in consequence, in 1833, Mr. Busby was sent there as British Resident, but with very limited and impotent functions.

In 1834, Captain Lambert of H. M. S. Alligator, presented the native chiefs at the Bay of Islands, with a National Flag, by order of Sir R. Bourke. In 1837 the British settlers, consisting of Missionaries, Merchants, &c. petitioned His late Majesty William IVth, praying the protection of the British Government, stating, “that unless His Majesty’s fostering care was extended towards them, they only can anticipate that themselves and also the Aborigines will be liable, in an increased degree, to murders, robberies, and every kind of evil.”

In December, 1838, the Under Secretary for the Colonies thus writes to the Foreign Office :—

“I am directed by Lord Glenelg to request that you will bring under the consideration of Viscount Palmerston the expediency of appointing an officer, vested with the character and powers of British Consul at New Zealand.

“The islands of New Zealand have long been resorted to by British subjects, both as possessing peculiar advantages for refitting whale ships on the South Seas, and on account of the supplies which they afford of timber, flax, and other articles of

value. They have also, from their proximity to the penal settlements of New South Wales and Van Diemen's Land, furnished an asylum to fugitive convicts, who, associated with men left on these islands at different times by the whalers and other vessels, have formed a society much requiring the check of some competent authority.

“ In consequence of representations from the local authorities of New South Wales, it was thought advisable, in the year 1832, to appoint a person in the character of British Resident at New Zealand. The object in making this appointment was twofold; to repress acts of fraud and aggression practised by British subjects against the natives, and by acquiring a beneficial influence over the various chiefs, to protect the lives and properties of British subjects engaged in fair trade with the natives. The officer so appointed was placed on the civil establishment of New South Wales, and wholly under the direction of the governor of that colony.

“ It has happened, however, that the authority of the Resident has, from various causes, proved for the most part inoperative; at the same time the chiefs severally have evinced a strong disposition to place themselves under British protection. In the year 1835 a declaration was adopted and subscribed by the chiefs of the northern parts of New Zealand, when their country was threatened with aggression by the Baron de Thierry, in which declaration they set forth the independence of their country, and declared the union of their respective tribes into one

state under the designation of the Tribes of New Zealand. They also came to a resolution to send a copy of their declaration to His late Majesty, to thank him for his acknowledgment of their national flag; and to entreat that, in return for the friendship and protection which they had shewn, and were still prepared to shew, to such British subjects as had settled in their country, or resorted to it for the purposes of trade, his Majesty would continue to be the parent of their infant state, and its protector from all attempts on its independence.

“But the existing arrangement having failed to answer the purposes contemplated in its adoption, Lord Glenelg is of opinion that those purposes will be more effectually attained by the appointment of a British Consul to reside at New Zealand.”

To this communication Mr. Backhouse, Under Foreign Secretary, replied:—“That Viscount Palmerston concurred in the opinion of Lord Glenelg, and would take the necessary measures for including the salary and expenses of the Consul in the consular estimate.”

The serious attention of the Home Government had likewise been excited towards New Zealand by the formation of the New Zealand Association, which, subsequently, on account of conditions that the Government had attached to a Royal Charter proposed to be granted to the Association, merged into the New Zealand Company in 1839. The proceedings of this Company had attracted universal attention, and excited great interest throughout

England during the spring of the year 1839, from the novel and enlarged views regarding emigration and colonization, and from the energetic measures proposed to carry them into immediate execution. Directed by a body of noblemen, gentlemen, and merchants of the highest character, and supported in their operations by great capital, they commenced their plans independent of the Government, on a very extensive scale, which are now so well known, as to render superfluous any recapitulation in these pages.

The Marquis of Normanby succeeded Lord Glenelg as Secretary of State for the Colonies, and in June 1839 Mr. Stephen writes to Mr. Spearman : —“ I am directed by the Marquis of Normanby to request that you will lay before the Lords Commissioners of the Treasury, the enclosed copies of a correspondence (p. 6) which has passed between this department and the Foreign Office relating to the establishment of some competent British authority within the islands of New Zealand.

“ The letter which was addressed by Lord Glenelg’s direction to Mr. Backhouse on the 12th of December last, will inform their Lordships of the general state of society in those islands, and since that date, circumstances have transpired which have further tended to force upon her Majesty’s Government the adoption of measures for providing for the government of the Queen’s subjects resident in or resorting to New Zealand.

“ With that view it is proposed that certain parts

of the islands of New Zealand should be added to the Colony of New South Wales, as a dependency of that government; and Captain Hobson, R. N. who has been selected to proceed as British Consul, will also be appointed Lieutenant-Governor."

The reason and object of these measures on the part of her Majesty's Government are explained in the Marquis of Normanby's instructions to Captain Hobson, who had previously visited New Zealand, when in command of the Rattlesnake sloop-of-war, in 1837.

"The acquaintance which your service in her Majesty's Navy has enabled you to obtain with the state of society in New Zealand, relieves me from the necessity of entering on any explanation on that subject. It is sufficient that I should generally notice the fact that a considerable body of her Majesty's subjects have already established their residence and effected settlements there, and that many persons in this kingdom have formed themselves into a society, having for its object the acquisition of land, and the removal of emigrants to those Islands.

"Her Majesty's Government have watched these proceedings with attention and solicitude. We have not been insensible to the importance of New Zealand to the interests of Great Britain in Australia, nor unaware of the great natural resources by which that country is distinguished, or that its geographical position must in seasons, either of peace or of war, enable it, in the hands of civilized men, to

exercise a paramount influence in that quarter of the globe." There is probably no part of the earth in which colonization would be effected with greater or surer prospects of national advantage.

" On the other hand, the ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836, to inquire into the state of the Aborigines, residing in the vicinity of our Colonial Settlements; and have concurred with that Committee, in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British Government. We retain those opinions in unimpaired force, and though circumstances entirely beyond our controul, have at length compelled us to alter our course, I do not scruple to avow that we depart from it with great reluctance.

" The necessity for the interposition of Government has however become too evident to admit of any further inaction. The reports which have reached this office within the last few months establish the facts, that about the commencement of the year

1838, a body of not less than two thousand British subjects, had become permanent inhabitants of New Zealand ; that amongst them, were many persons of bad or doubtful character—convicts who had fled from our penal settlements, or seamen who had deserted their ships ; and that these people, unrestrained by any law, and amenable to no tribunals, were alternately the authors and victims of every species of crime and outrage. It further appears that extensive cessions of land have been obtained from the natives, and that several hundred persons have recently sailed from this country to occupy and cultivate those lands. The spirit of adventure having been thus effectually roused, it can no longer be doubted that an extensive settlement of British subjects will be rapidly established in New Zealand, and that unless protected, and restrained by necessary laws and institutions, they will repeat unchecked, in that quarter of the globe, the same process of war and spoliation, under which uncivilized tribes have almost invariably disappeared, as often as they have been brought into the immediate vicinity of emigrants from the nations of Christendom.

“ To mitigate, and, if possible, to avert these disasters, and to rescue the emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil government. To accomplish this design, is the principal object of your mission.”

In August, 1839, Captain William Hobson, R.N.,

was despatched from England in the Druid frigate, Captain Lord Churchill, as Lieutenant-Governor, to take possession of the Islands of New Zealand, in the name of Her Majesty the Queen of Great Britain, and to obtain the cession from the native chiefs of the sovereignty of such parts as had previously declared themselves independent in the three Islands. The Colony was to be a dependency on New South Wales, and Captain Hobson to act under the authority and directions of the Governor and Council at Sydney.

The history of New Zealand, therefore, as a British Colony may be considered as commencing with the year 1840.

The Lieutenant-Governor sailed from Sydney on the 19th January 1840, in H. M. frigate Herald, Captain Nias, and arrived in the Bay of Islands on the 29th January. On the following day, in the presence of the British residents at Kororarika, were read and published two Commissions—one under the Great Seal, extending the limits of the Colony of New South Wales, so as to comprehend the Islands of New Zealand—and the other under the Royal Signet and Sign Manual, appointing Captain William Hobson, Lieutenant-Governor of the Colony of New Zealand. Two Proclamations were at the same time promulgated—the first announcing that her Majesty's authority had been asserted over British subjects in New Zealand—the second, acquainting the public that her Majesty does not deem it expedient to ac-

knowledge as valid any titles to land in New Zealand, which are not derived from, or confirmed by, a grant from the Crown. (See A. and B. Appendix.)

For many years previous to this period, individuals had, as they located, purchased land of the natives, but in the year 1838, and subsequently, the anticipation that the British Government was about to countenance emigration to New Zealand, and to establish some authority and order, induced many persons in the neighbouring Colonies to make very large purchases of land from the natives. This circumstance and the additional fact of the New Zealand Company having sent out an expedition early in 1839, to make large purchases of land, for the purposes of the Company, influenced Her Majesty's Government to issue the latter proclamation, prohibiting for the future—subsequent to the date (14th January) of the proclamation, by Sir George Gipps in Sydney—all purchases of land in New Zealand, excepting from her Majesty's Government.

At the early part of the year, five large ships arrived at Port Nicholson with emigrants, under the auspices of the New Zealand Company, who were about forming a settlement there, and the number of persons located very soon exceeded one thousand.

On the 3rd February, the British inhabitants of the Bay of Islands addressed the Lieut.-Governor, expressing their loyalty to the British Crown, and

pledging themselves to aid His Excellency with their best exertions to establish order, law, and security for life and property in the Colony.

The serious and important, as well as difficult task of the Lieut.-Governor, to obtain from the native chiefs, their cession of the sovereignty of the Islands, commenced on the 5th February, 1840, when a conference was held between His Excellency and the chiefs of the confederation, as well as the high chiefs, who had not yet signed the declaration of independence.

This event may be considered as the first step towards British sovereignty in New Zealand, and it cannot be better described than in Captain Hobson's own words, in his despatch to Sir George Gipps.

"I have the honour to acquaint your Excellency, that immediately on my arrival here, I circulated notices, printed in the native language, that on this day I would hold a meeting of the chiefs of the confederation, and of the high chiefs who had not yet signed the declaration of independence, for the purpose of explaining to them the commands I had received from Her Majesty the Queen, and of laying before them the copy of a treaty which I had to propose for their consideration.

"Accordingly, a vast number of chiefs, with a multitude of followers, crowded in from every quarter, and at 12 o'clock this day they assembled under spacious tents, decorated with flags which had been previously erected at Waitangi by Captain Nias of H. M. S. Herald. Preparatory to the meeting, I had

appointed a levee to be held at Mr. Busby's house, at 11 o'clock, to which I invited all the principal European inhabitants, the members of the Church of England and Catholic Missions, and all the officers of H. M. S. Herald, and was highly gratified to find that nearly every one, either here or in the neighbourhood, favoured me with their attendance.

"Soon after 12, I proceeded to the tent, supported by Captain Nias and his officers, Mr. Busby the late resident, the members of the Church Missionary Society, the French Bishop, the officers of the Government, and all the principal European inhabitants in procession, and took my seat on a raised platform, surrounded by the gentlemen in the same order as they accompanied me. In the centre of the area, within the tents, the chiefs seated themselves on the ground, leaving a space around them for Europeans. The whole spectacle produced an imposing effect. The business of the meeting commenced by my announcing to the chiefs the objects of my mission, and the reason that had induced Her Majesty to appoint me. I explained, and I assured them in the most fervent manner, that they might implicitly rely on the good faith of Her Majesty's Government in the transaction.

"I then read the treaty, and in doing so I dwelt on each article, and offered a few remarks explanatory of such passages as they might be supposed not to understand.

"Mr. H. Williams, of the Church Missionary Society, did me the favour to interpret, and repeated

in the native tongue, sentence by sentence, all I said.

“When I had finished reading the treaty, I invited the chiefs to ask explanations on any point they did not comprehend, and to make any observations or remarks on it they pleased. Twenty or thirty chiefs addressed the meeting, five or six of whom opposed me with great violence, and at one period with such effect and so cleverly, that I began to apprehend an unfavourable impression would be produced. At this crisis the Hokianga chiefs under Neni and Patawoni made their appearance, and nothing could have been more seasonable.

“It was evident, from the nature of the opposition, that some underhand influence had been at work. The chiefs Revewah and Jakahra, who are followers of the Catholic Bishop, were the principal opposers, and the arguments were such as convinced me they had been prompted.

“Revewah, while addressing me, turned to the chiefs and said—“Send the men away; do not sign the paper; if you do, you will be reduced to the condition of slaves; and be obliged to break stones for the roads. Your lands will be taken from you, and your dignity as chiefs will be destroyed.”

“At the first pause Neni came forward, and spoke with a degree of natural eloquence that surprised all the Europeans, and evidently turned aside the temporary feeling which had been created. He first addressed himself to his own countrymen, desiring them to reflect on their own condition, to recollect

how much the character of New Zealanders had been exalted by their intercourse with Europeans, and how impossible it was for them to govern themselves without frequent wars and bloodshed, and he concluded his harangue by strenuously advising them to receive us and to place confidence in our promises. He then turned to me and said—"You must be our father! You must not allow us to become slaves! You must preserve our customs and never suffer our lands to be wrested from us!"

"One or two other chiefs, who were favourable, followed him in the same strain, and one reproached a noisy fellow named Kitigi, of the adverse party, with having spoken rudely to me. Kitigi, stung by the remark, sprung forward and shook me violently by the hand, and I received the salute apparently with equal ardour. This occasioned among the natives a general expression of applause, and a loud cheer from the Europeans, in which the natives joined, and thus the meeting closed, further consideration of the question being adjourned to Friday, at 11 o'clock, leaving one clear day to reflect on my proposal."

On Friday, the 7th of February, being perfectly satisfied, the chiefs were impatient to sign the treaty, that they might return to their homes. Without any further discussion the treaty was then signed by forty-six head chiefs in the presence of at least five hundred of inferior degree.

This treaty (Appendix C.) comprised only three articles. The *first* ceded to Her Majesty all the rights of sovereignty the chiefs possessed. The

second guaranteed on the part of the Queen to the chiefs, their tribes and families, full, exclusive and undisturbed possession of their lands, estates, forests, fisheries, and other properties, which they might wish to possess, so long as they desired to retain them, but the chiefs yielded and granted to Her Majesty exclusive right of pre-emption to purchase all lands the natives might be disposed at any time to alienate. In consideration of which Her Majesty, by the *third* article, imparted to the natives all the rights and privileges of British subjects.

The acquiescence and acknowledgment of the various powerful chiefs and tribes of the Bay of Islands to the Treaty, although most important, yet ceded the sovereignty to the Queen only over their territories, and it was necessary to obtain similar concessions from all the chiefs, more particularly in the Northern island. At Hokianga, the Lieut.-Governor met, on the 12th February, 1840, between 400 and 500 chiefs of different degrees, with their tribes, amounting to nearly 6000 natives. The same reluctance and opposition were manifested as at the Bay of Islands. The great chiefs, who are chiefly orators, are as fond of displaying their powers, as their tribes are of hearing them, and they all were energetically opposed to signing the treaty. To this opposition they had been instigated by the influence of the Roman Catholic Bishop and his priests, and likewise by the misrepresentations of the low European characters, who had been for some time resident among the natives.

The motives of these two parties were widely different, but their united efforts to prejudice the minds of the natives and to excite their fears, by alleging the cession of the sovereignty would be followed by taking possession of all their land, had naturally great weight with the natives, to whom the distinction between—"cession of sovereignty,"—and actual possession of the land, could be but imperfectly, if at all, understood.

The conduct of the natives on this occasion, as well as on all others, of discussion of this most important act, affecting as it does their vital interests as a people, is most powerful evidence of their mental powers and qualifications, and of how much might be accomplished with them under proper instruction and judicious management.

It is a practice of the natives to have lengthened discussions among themselves—sometimes for a whole day—on any subject affecting the tribe individually or collectively—and it is to their patience in hearing every one before decision, that may be attributed the success of Captain Hobson in overcoming the opposition, by impressing on the natives "that if they listened to the counsel of such a worthless class, as the Europeans living among them, who consult no interest but their own, and who would sacrifice the native rights at any time, for their own purposes,—they would very soon be stripped of all their land:—Her Majesty had sent him to New Zealand, to protect the natives from such people, and he asked from them the authority to do so."

This had the desired effect on the leading chiefs, the treaty was signed, and followed by the usual ceremonies of friendship—native war dance—firing of muskets, and feasting of the whole tribes.

In the districts northward of the Bay of Islands, the tribes were visited by the Colonial Secretary, Mr. Shortland, and assembled at Kaitaia, where the debate was conducted in the usual manner, and some of the chiefs stated, that they had been informed that the Queen would make them all slaves, and take away their lands, and they also said they had been asked to join the Hokianga and Ngaponi tribes in a plot, to cut off the white people : but that they would not do so. The assent and signature of sixty principal chiefs, was given after an address from the principal chief of Kaitaia, Nopera, which, for intelligence and as a specimen of native oratory, is worthy of attentive perusal. It is a translation, from notes taken at the time, by the Rev. R. Taylor.

“ Hear, all of you, Pakehas (English), and Maoris. This is my speech.—My desire is that we should be all of one heart. Speak your words openly ; speak as you mean to act ; do not say one thing and mean another. I am at your head. I wish you all to have the governor. We are saved by this. Let every one say yes, as I do. We have now somebody to look up to. Some say it will be the Pakehas who will offend, I say no ; it will be the Maoris. My grandfather brought the Pakehas to this very spot, and the chiefs agreed with what

my grandfather did. He went on board the ship, and got trade. He spread it through the land. Let us act right as my ancestors did. The Pakehas went to the Bay of Islands and were murdered. Let us do them no harm. What has the governor done wrong. The shadow of the land goes to Queen Victoria, but the substance remains with us. We will go to the governor, and get a payment for our land as before. If the Ngaponi commit evil they will suffer. We have always been friendly with the Pakehas. We never went in ships to England or Port Jackson, to buy arms to kill our countrymen. If you want to be cut off, go and fight the governor. Do not, like the chiefs at Hokianga, wish to kill the governor. Live peaceably with the Pakehas. We have now a helmsman. One said, 'let me steer,' and another said, 'let me steer,' and we never went straight. Be jealous; look well into your own hearts and commit no evil. The natives did wrong at the Bay and suffered. What man of sense would believe that the governor would take our goods, and only give us half of it? If you have any thing else to say, say it; but if not, finish; and all of you say, yes—say, yes."

In consequence of the illness of the Lieutenant-Governor, Major Bunbury, 80th regiment, was dispatched in H. M. S. Herald, Captain Nias, to the eastern and southern coasts of the North island, to the Middle and South island, to obtain the acquiescence of the various tribes to the treaty of Waitangi. He visited Coromandel Harbour at the mouth of the

Thames, where one of the principal chiefs remarked, "that he saw no necessity for placing himself under the dominion of any Prince or Queen, who might govern the white men as they pleased, as he was desirous of continuing to govern his own tribe."

At Tauranga, in the Bay of Plenty, on the eastern coast of the North island, a most populous district, little or no opposition was offered by the natives, to their adherence to the treaty, except by one of the principal chiefs, who, when asked for his signature, said, "Now let us talk a little. Who was the first stranger who visited our shores?" On being told Cook, he remarked, "And who was Cook's King; was his name not Georgi?" On being answered "Yes;"—"And who then," continued he, "is this Queen?" This was all explained to him, and that the Queen's great object was to put an end to wars among them, when he observed: "If your nation is so fond of peace, why have you introduced into this country fire-arms and gun-powder?" After many other equally pertinent remarks on various points, he and his fellow chiefs signed the treaty.

Major Bunbury proclaimed the Queen's authority over the Southern or Stewart's Island, on the 5th June, 1840, and it is a singular circumstance that Captain Stewart, who had discovered the island in 1809, and after whom it is named, was on board Her M. S. Herald, at the time, he having accompanied the expedition from Mercury Bay as pilot.

From Stewart's Island H. M. S. Herald proceeded

to Robuka, or Long Island, in Foveaux's Straits, where the tribe of the warrior chief Tociaki, or Bloody Jack, reside. This chief has become the head of his tribe and other chiefs by his talents in war, which is frequently the case, as with Rauparaha at Kapiti, and Warepori at Port Nicholson. He now disowns his English appellation, and has only his native name of Tooiaki. This chief went on board the Herald frigate in the full dress staff uniform of a British aid-de-camp, with gold-laced trowsers, cocked-hat, and plume, in which he looked extremely well, and his behaviour at Captain Nias' table, where he took tea, shewed that the examples he had seen had not been lost upon him; he was also accompanied by a native orderly sergeant, dressed in corresponding costume. The chief spoke a little English, and appeared to be aware of the nature of the treaty, but which it was thought necessary to have read and explained to him by Mr. Hesketh, resident on the island, and he signed it without hesitation. He said he had at his village twenty men dressed and in training as British soldiers, and was very anxious that Captain Nias should permit them to come on board the following morning, and see the marines go through the manual and platoon exercise, which he kindly acceded to. On the chief taking leave, Major Bunbury told him he should return his visit on the morrow, which he did, accompanied by Lieutenant Hewett, Royal Marines, Captain Stewart, whom the chief knew well, and Mr. Williams the interpreter.

They were received by the chief in the same scarlet uniform he had worn the day before, and by the sergeant who then accompanied him, at the head of six soldiers dressed in British uniform, but without hats or shoes. Tooiaki took them to his cottage, a weather-boarded hut, and offered them rum, of which he seemed to have a good supply, but Mr. Hesketh stated, to the credit of the natives, that although they do not absolutely refrain from spirituous liquors, they very seldom are intoxicated. He introduced his son to them, a fine boy about seven years of age, of whom Tooiaki was very fond. The boy was dressed very becomingly, and had six toes on each foot, which his father exhibited with much satisfaction. The chief, his son, two other chiefs, the sergeant, and six soldiers, with many natives, returned with the party to the frigate. The soldiers of the chief and natives having arranged themselves on deck, the marines went through their manual and platoon exercise as had been promised, and afterwards Captain Nias permitted a few sailors to go through the sword exercise, which pleased and interested them much, particularly the attack and defence, the chief frequently calling to his followers, to pay attention and see how it was performed.

At Cloudy Bay,—where the Herald met with five American, one French, and one Bremen whaling vessels, after having visited Otako, in which harbour were two American and two French whaling vessels—the head chief Nohorua, brother of Rauparaha of Kapiti, with other chiefs, his relatives, refused to

sign the treaty, under the impression that if they did so, their lands would be taken from them: but they behaved very civilly, and promised to go on board the following morning.

On the following morning some of the chiefs from other coves adjoining that which had been visited the preceding evening went on board; these did not hesitate to sign the treaty when it was explained to them: a young chief of the name of Mawipu was particularly intelligent: he spoke a little English, and said he had been at Hobart Town, and on board Her Majesty's ship Conway. When told, after he had read the treaty, of the difficulty experienced at the neighbouring cove, he said: "that tribe was not singular, and ~~that~~ most of the natives imagined that they were asked to sign, in order that the Queen might afterwards take their lands from them." Both Mr. Williams and Captain Stewart, well conversant with the native language, were surprised at the very clear manner in which he explained to another chief, the nature of the second article of the treaty, which relates to the land and property of the natives, and he offered and went on shore to explain it to the others. The old chief, named Nohorua, then, on condition that his signature was witnessed by his English son-in-law, agreed to sign, in order, as he said, should his grand-children lose their land, their father might share the blame.

A number of other chiefs went on board, and all expressed a wish to sign, except three brothers, nephews of Nohorua; the wife of one of these was very

anxious to sign, saying that she was a daughter of the celebrated chief Pehi, who was killed at Akaroa; she appeared very angry when she was not permitted.

To shew how much these people have been harassed about their lands, and how jealous they are in preserving this species of property, they all objected to receive presents after signing, lest by some quibble it might be construed into a payment for its surrender, until they were repeatedly assured to the contrary.

The declaration of sovereignty over Tavai Poenammoo, or Middle Island, was made on the 17th of June, 1840, in Cloudy Bay, by Major Bunbury, 80th regiment. The marines from H. M. S. Herald, Captain Nias, were landed, the yards were manned, and the union jack hoisted at the Pa on shore, under a salute of twenty-one guns.

The whole of the three islands had been previously declared, by proclamation of his Excellency the Lieutenant-Governor, to be under the sovereignty of Her Majesty, on the 21st of May, 1840.

CHAPTER II.

TOWN OF RUSSELL—THE WAITEMATA—HARBOUR AND TOWN OF AUCKLAND—MOUNT EDEN—THE NGA TE WHATUA TRIBE—ORAKEI—RIVER TAMAKI—MOUNT WELLINGTON—MANAKAO HARBOUR—WAIKATO RIVER—COROMANDEL HARBOUR—MERCURY BAY—THE RIVER THAMES—THE RIVER PIAKO—ISLAND OF WAIHEKI—MAURANGI—MATAKANA—TUTUKAKA—RUSSELL—WANGAROA.

ON the arrival of the Lieutenant-Governor at the Bay of Islands, he formed the site for a town to be called Russell, but a position more in the centre of the island, so as to hold ready communication with both coasts, was considered to be more eligible for the seat of the Government.

The Thames and Waitemata having been visited and surveyed by the Surveyor-General, the Lieutenant-Governor fixed on the shores of the latter for the site of the principal town, or capital of New Zealand.

This part of the Northern Island had been hitherto very little known or visited, either by navigators or traders, being the extreme western part of the Gulf of Houraki, on entering which,—either from the eastward, between Cape Colville and the Barrier Isles, which was Captain Cook's course, or from the northward by Point Rodney—the estuary of the River Thames is the leading and most open object, at the south-eastern extremity of the Gulf,

9 North Croft, Bedford

AUCKLAND.
Entrance to the Harbour and North Head from the Westward (see p. 39.)

Drawn on Stone & Printed by P. Gouge.



while the river and harbour of Waitemata are shut in, from both passages, by the Islands of Waiheki, Motu-Tapu, and Rangitoto.

The Lieutenant-Governor, in a despatch to the Secretary of State for the Colonies, states :

“ After mature consideration, I have decided upon forming the seat of government upon the south shore of the Waitemata, in the district of the Thames. In the choice I have thus made, I have been influenced by a combination of circumstances : first, by its central position ; secondly, by the great facility of internal water communication, by the Kaipara and its branches to the northward, and the Manakao and Waikato to the southward ; thirdly, from the facility and safety of its port, and the proximity of several smaller ports abounding with the most valuable timber ; and finally, by the fertility of the soil, which is stated by persons capable of appreciating it, to be available for every agricultural purpose ;—the richest and most available land in the Northern island being concentrated within a radius of fifty miles.”

The first English merchant-vessel that anchored in the Waitemata was the barque *Platina*, Captain Michael Wycherley, which arrived in the harbour on the 13th September, 1840, from England, with the house for the Governor. At that period there was not an European on the shores of the Waitemata. Three days afterwards the barque *Anna Watson*, Captain Stewart, arrived from the Bay of Islands with Captain W. C. Symonds, 96th Foot,

the Surveyor General, Harbour Master, Superintendent of Public Works, and many officers under government, to commence operations for the formation of the town.

On the 19th September, 1840, the British flag was first hoisted at Auckland by Captain William Cornwallis Symonds, the chief magistrate present.

The entrance to the harbour of Auckland,—the sailing directions for which will be found, Appendix D,—is between a point of land on the northern shore called the North Head, and a particular insulated rock named the Bastion Rock, on the southern shore, about a mile distant from each other, and that is the average width of the anchorage ground up the harbour. From the Bastion Rock, eastward of the town, to another small island or rock called the Sentinel, westward of Auckland, is a distance of about five miles. The land opposite the town, on the northern shore of the Waitemata, forms a peninsula, from a large bay running in, which is quite shallow at the entrance, and the greater part dry at low water. On this peninsula is the North Head, 280 feet above the level of the sea, on which is erected a signal station, to communicate to the town the arrival of vessels in the offing.

The town of Auckland is on the southern shore of the River Waitemata, in latitude $36^{\circ} 51' 27''$ south, and longitude $174^{\circ} 45' 20''$ east.

The town is situated in the middle of the harbour, the river extending about five miles to the westward, and terminating in a large bay, the southern

side of which is very shoal, but on the northern shore there is deep water, seven fathoms, and the bay, into which two creeks or small rivers discharge themselves, runs north-westerly for many miles towards the western coast. The banks of these two rivers abound with *kauri*, *tanikaha*, and other valuable timber, and it is from hence that much building timber is with facility, in a few hours, brought down to Auckland. On the south-western extremity of this Bay is another small river, running about seven miles southerly towards Manakoa harbour, near the Northern Head. At the source of this river, as far as which boats can go at high water, there is a portage of only a mile and a half into Manakao harbour.

The commencement of the town of Auckland is situated in a valley running from a Bay called Commercial Bay into the interior. It then extends eastward and westward over undulating ground. The fort in which are the barracks, is on a promontory, perpendicular on two sides towards the sea, between Commercial and Official bays, in the centre of the town. To the eastward of the fort is Official Bay, on which most of the Government officers reside, and where are the public offices. On the summit of the valley forming Official Bay is the Government house, within an enclosure of fifteen acres. Between Government house and the fort, on the high ground, is the site for the Metropolitan Church. Beyond Official Bay is a larger

bay, named Mechanics Bay, which is exclusively appropriated to sawpits, brickyards, &c. and for the residences of the artisans in the employment of Government.

This bay, at the eastern side of which is a creek, is the boundary of the town eastward. Beyond commence the suburban lands. By the plan of the Surveyor General, the town of Auckland is to be extended as circumstances may require, to the westward of Commercial Bay.

To the southward of Auckland, within two miles, is Mount Eden, native name *Maunga Wao*, five hundred feet above the level of the sea. Under this mountain are the remains, the existence of which is still remembered by some of the *Nga-te-Whatuas*, of extensive native fortifications and of large Pas, or native villages, with entrenchments thrown up of the scoria with flanking enclosures, up the sides of the mountain. The great space occupied, proves there must have been congregated here great numbers of natives in the different villages, at some distant period, which is corroborated by those signs so well known to travellers in New Zealand ; such as remains of their Maori, ovens of stones, vast quantities of Pepe shells, &c. These fortified villages or Pas, are to be found in the present day, and are numerous in the interior, on the Waikato Waipa, and the hills near the Lake Taupo, and the east coast. Two views are given as specimens in this volume. From the summit of this moun-

tain, the crater of which is 150 feet deep, there is a most beautiful extensive view, embracing on the one side, the whole of the town of Auckland, the river and northern shores of the Waitemata, the islands of Rangitoto, Motu Tapu, Hieh, and Waiheki, with the high land of Coromandel harbour and the Great Barrier Isle in the distance. On the southern side are seen the Heads and the whole of Manakao harbour, the mountains of Albert, Hobson, and Wellington, all similar to Mount Eden, and situated between the Waitemata and Manakao harbour; beyond, the plains of the rivers Thames and Piako, terminating with the high ridge of land between the right bank of the Thames and the eastern coast.

The country between the Waitemata and Manakao harbour, excepting the mountains named, is perfectly level, and the distance between six and seven miles.

By the treaty of Waitangi it will be seen that although the native chiefs ceded the sovereignty of the Islands to her Britannic Majesty, yet the Governor is obliged to purchase from the Natives any land of which it is necessary to have possession to form towns, as well as for the occupation of emigrants, and likewise that any land they choose to reserve for their own uses and cultivation shall be respected and protected by the Government.

The Waitemata district is the property of the Nga te Whatua tribe, and on the decision of the Lieutenant-Governor to fix the town of Auckland

on the Waitemata, he purchased from these natives as much land as they chose to dispose of, which comprised the land bounded to the westward by the small river running from near Manakao into the large bay at the western extremity of the Waitemata, and to the eastward by a small creek debouching into the Waitemata, about one mile to the eastward of Mechanics Bay, and extending south nearly as far as the shores of Manakao harbour.

Beyond the eastern boundary of the purchase by Government is a beautiful large bay, the native name of which is Orakei, but termed by the Surveyor-General, Hobson's Bay. From this bay there is a narrow inlet or creek, the entrance to another bay, from which diverge two small rivers, south-east and south-west, called by the natives Porewa, and Terewa. This district, including the bay and valley of Hokao adjoining Orakei, and extending south to Manakao, the Nga te Whatuas have reserved for their own occupation and cultivation, and it is the finest land and most beautiful scenery on the Waitemata. The Natives here cultivate large tracts for potatoes, maize, and melons, and from the proximity, two miles by water, to Auckland, bring fresh supplies frequently. They are likewise very serviceable to the wants of Europeans, by supplying the town with firewood at a very moderate rate.

The Nga te Whatua tribe of natives, are not very numerous. Unfortunately they have dwelt in a district, which has been the debateable and fighting ground, for many antecedent years, for the most

warlike and powerful tribes on the North Island :—the Nga Pui from the north,—the Nga te Paoa and Nga te Hauwa from the Thames and eastern coast,—and the Waikato tribes from the westward. The Nga te Whatuas, being the allies of one party or the other, according to circumstances, were always subject, from their position, to surprise and attack from the others, and in any great general conflict their villages and property must have suffered from being the seat of war ; and thus, from being formerly a numerous, powerful, influential people, the whole tribe now does not exceed two hundred and fifty fighting men. Such has been the exterminating effect of these internal native wars throughout New Zealand, that there are numerous instances of native tribes, that numbered some twenty and thirty years since, many thousands,—as the tribe of *George*, at Wangaroa, who captured the “*Boyd*,” and others on the western coast,—of whom at this day not an individual exists, and the name of the tribe itself is only known as associated with the land they formerly possessed and occupied. The possessions of the Nga te Whatuas extend from Kaipara, to the southern shore of Manakao Harbour, where they have a very large ancient Pa, called Mangari, and extensive cultivated grounds, and to the eastward in the Waitemata, as far as the river Tamaki. The Nga te Whatuas are connected by marriage, with the Waikato Natives, who are now the most numerous and powerful tribe in the North Island.

The chief of the Nga te Whatuas is Te Kauwau,

a native very much respected for his peaceable habits, yet for his steady friendship when engaged in war. He is a very mild unassuming old man, and very desirous to gain the friendship of Europeans. His eldest son, Te Reweti, the hereditary chief, is very acute and intelligent, particularly as to the interests of his tribe, in all his transactions with Europeans. He conducts all the affairs of his father and his tribe, and possesses very great influence over them. He married a widow of a great Waikato chief, and daughter of another celebrated chief. She is a very superior native, and is always working at her needle, surrounded by her women, or else reading her Bible. The Natives who have become what they term Missionaries, in other words, converts to the Christian faith, have generally, when baptized, received a Christian and sometimes surname. Thus, Te Reweti is named William Davis, after the missionary of that name, and his wife is named Martha. Te Reweti has a younger brother named Hira or Peter, and an orphan cousin, Paora or Paul, who are of high birth and rank among the Natives, and are fine specimens of the present race of New Zealanders.

The site of the town of Auckland is certainly judiciously chosen for a seat of Government, and for a central depôt of the various products, hereafter, from the different parts of the Northern Island. Inspection of the chart will shew what easy and extensive communication, there is coastwise for small vessels, without experiencing the danger of the open

seas. From Auckland, eastward of the southern shore, there is, about five miles distant, the river Tamaki, which has a very wide estuary; but a spit of sand running nearly across, just at the entrance of the river, renders it difficult and hazardous for large vessels, although a brig of 200 tons burthen has entered. As soon as the entrance is passed, there is deep water for some miles. It is a beautiful river, with fine cultivable land on both sides. About five miles from the mouth of the river, on the left bank is a creek of great depth leading into a small beautiful bay, close at the foot of a high volcanic mountain, the native name of which is *Mogia*, but now called Wellington. Here, although quite deserted by natives, there are the same description of defences as at Mount Eden, and the remains of a most extensive Pa, with their former cultivated grounds, on which are now growing wild, in luxuriant vegetation, tares, cabbages, turnips, celery, and grass. The tares were in October, (Spring) 1840, in full blossom, four feet high, and there were some acres completely covered with them.

On this spot, about nineteen years since, there was fought a most sanguinary battle, in which the whole tribe here were either slain or carried into slavery. From the information of Te Kauwau, the chief of the Nga te Whatuas, who was present, above seven thousand natives perished in the fray. The battle was between the tribes from the north, headed by Pomare, Titore, &c. &c., in conjunction with the Waikato and Nga te Whatua chiefs and tribes,

against the Natives of the Tamaki and the Thames districts. From the nature of the country it is probable that Mount Eden and its defences was the position of the former party, and Mount Wellington that of the latter.

Everywhere the country bears strong evidence of much greater native population than at present exists, and in the interior these evidences and remains of warlike feuds, with always the sacred (*tapu*) burial spot adjacent, remind the traveller, that in all countries, either of classic renown or of the untutored savage, human passions are the same, and that time deals equally with all. Here, in this far distant and comparatively unknown region, has existed for ages the same thirst for glory,—the same desires and attempts for aggrandizement of territories,—the same defences and stratagems of war,—the same respect, reverence and honour to the tombs of the brave,—as in the most polished and civilized nations; and the traveller, while he feels surprise, cannot but also be impressed by corresponding emotions as when visiting similar spots famed in the annals of more enlightened kingdoms.

At the summit of Mount Wellington there is a very large crater, as deep as half its height, at the bottom of which the lava has been thrown up in successive layers as regular as if formed by human hands.

The river Tamaki runs up meandering above three miles beyond this bay to a creek, at the head of which there is a portage of about three quarters

of a mile into Manakao harbour, at its eastern extremity. It is over this portage that the Natives drag their canoes and produce in their excursions from the Waikato river, and Manakao, to the Waitemata, Tamaki, and neighbouring ports. From Manakao harbour, which is fifteen miles long, and nearly nine miles broad, on the south-western side, there is a small river, the Awaroa, which runs towards the Waikato river, where again there is a short portage, a distance of 2,260 yards, by the measurement of Captain W. C. Symonds, Deputy Surveyor General of New Zealand, over which the Natives transport their canoes. The Waikato river is navigable for small craft, drawing not more than eight feet water, one hundred miles into the interior, and then separates itself into two branches, east and west, the latter, the Waipa, which is also navigable for boats, runs through fertile plains into the valley of the Waihou, or Thames, the central and richest district of the Northern Island, and sheltered from the south-westerly gales by a high ridge of mountains along the western coast. Therefore it is evident with what facility, communication, and conveyance of produce and supplies of merchandize, can be accomplished between Auckland and the interior on the western coast.

Continuing from the Tamaki eastward, along the southern shore of the Waitemata, there is a river called Wairoa, running several miles up the country, parallel to the course of the Tamaki.

Still further eastward, about forty-five miles from

Auckland, is the frith of the Waihou, or Thames river, on the eastern side of which is Coromandel Harbour.

Coromandel Harbour has good anchorage, but not sufficient depth of water throughout the sheltered part of it for many large vessels, as the eastern side shoals off very much, and the only safe place for vessels of any great draught of water is on the western side under the land. The entrance to the harbour is two miles wide, with deep water close to both shores, particularly the northern. In that part within the harbour which is open to its mouth, when the wind is south-west, and blows hard, there sets in a heavy rolling sea, rendering it unsafe for vessels to run the risk of dragging their anchors so close to a shallow lee shore. Here there are some Englishmen established in the beautiful small bays around the harbour, and there are also settlements of cultivated tracts of the Natives, who are numerous, and belong to the Nga te Poa tribes of the Thames district. The principal chief at Coromandel harbour is a very old man named Te Horeta; he remembers Captain Cook when he visited Mercury Bay, and is not a little proud of his acquaintance.

From Coromandel Harbour to Mercury Bay, on the eastern coast, is a distance of about sixteen miles overland. It is at this latter place that H. M. S. Buffalo was wrecked in a most tremendous gale from the north-east in August, 1840; but from the skill and judgment of Captain Wood in running her direct on to the beach with the flood tide, the

crew and stores were saved. In Mercury Bay there is safe anchorage in certain parts, such as Cook's Bay, where Captain Cook anchored, and likewise at the mouth of the river at the south-western extremity of the harbour, where there is four and five fathoms water close to the shore, and sheltered from all winds. But the entrance to the harbour is exposed to the north-east, and there are rocks at the mouth which render it only safe to enter with certain winds.

It is in the forests on the mountains, between Coromandel Harbour and Mercury Bay, that the finest and largest kauri trees are found, and it is for the supplies of spars that vessels visit these two harbours.

The frith of the Thames, to the southward of Coromandel harbour, is not navigable for large vessels, as there are sand banks, and very shallow water at the southern part, where the rivers Thames and Piako discharge themselves : but for small craft there is sufficient water, with a rise and fall of tide of ten feet. The entrance to the former river is at the south-eastern extremity of the frith. There are two fathoms water at the mouth at low tide, and the tide runs up nearly fifty miles, rendering the river, for that distance, navigable for large boats or barges, and if it were cleared from some large trees or snags, it might be navigated by such craft as far as the falls near Mata Mata, which is, by the river's course, above one hundred miles from the entrance. Small boats and canoes can go up nearly to the source of the river, which is in a high mountain, called ' Horu

Horu,' near to 'Roto Ma,' one of the lakes of Roto Rua. The Thames, from its source, runs a little to the westward of north, but winding in its course to the frith. Below Mata Mata it receives three smaller rivers, which have their source in the chain of mountains running from Cape Colville to the Bay of Plenty, which forms the eastern boundary of the valley of the Thames, and which shelters it from the eastern coast. These rivers are the Wai Riri, the Ohenemuka, or sacred river, and the Hekatia.

The Wai Riri has its source on the table land above the hills on the right bank of the Thames, and discharges itself into that river near Mata Mata. This river is celebrated for its magnificent waterfall, which gives the name to the river "*Wai Riri*," or "Foaming Water,"—nearly one thousand feet in perpendicular height, and which can be seen in the valley westward above twenty miles distant. The Ohenemuka runs from its source through a most beautiful valley, with hills skirting its banks, abounding with Kauri. The Hekatia is a smaller river that discharges itself into the Thames, above twenty miles from the frith.

About ten miles distant from the mouth of the Thames, at the south-western extremity of the frith, is the entrance to the river Piako, at a little distance from which it divides itself into three branches. The small river on the left bank, has its source in a ridge of hills which bound the valley on the westward, and separate it from the plains of the Waikato and Waipa. The source of the Piako,

is in the Maakawa Hills, not far distant from the course of the Waikato river. The entrance to the Piako is very shallow at low ébb tide, but with the flood, the rise of which is ten feet, large boats can enter, and go many miles up the three rivers, but it is not accessible for such a distance as the Thames.

This valley or district of the Thames and Piako, which may be computed to comprise above two thousand square miles, contains more alluvial soil, and is more available and adapted for grazing and agriculture, than any other part of the North Island.

Returning from the frith of the Thames to the Waitemata, between Coromandel Harbour and Auckland, there is the beautiful island of Waiheki, with numerous sheltered bays and small harbours. It is about fifteen miles long, and from four to eight miles broad. This island abounds in Kauri timber, and there are beautiful romantic spots for cultivation. Between Waiheki and the North Head, are two islands, Motu Tapu and Rangitoto, and two smaller, between the former and the main land, called Hieh and Motu Koreho.

The island of Rangitoto has been a volcano, and is remarkable for the height, nearly 1000 feet, of its peak. It is a mass of volcanic scoria, interspersed with thick low woods.

The communication, as above described, by the rivers and shores to the eastward, to the valleys of the Thames and Piako, and to the interior on the western coast are not the only advantages peculiar to Auckland.

The distance from Auckland to Point Rodney is forty miles ; and to Cape Colville, forty-five miles.

From the North Head of the harbour of Waitemata, there is the whole eastern coast up to the North Cape, a distance of above 150 miles, which includes numerous harbours and districts, peculiarly adapted to support a lucrative coasting trade.

First to the northward, fifteen miles distant from Auckland, are the harbours and bay of Maurangi, with deep water three miles up the river for any vessels. Matakana is the next harbour. Still further northward is Wangari, surveyed by H. M. S. Buffalo, in 1834. It is close under Bream Head, which protects it from the north and north-east.

Then follows Tutukaka, a safe harbour for small vessels, and where there are already settlers profitably engaged in the timber and coasting trade.

Wangamuma is a small harbour between Tutukaka and Wangarura, which is an excellent harbour and district, and where H. M. S. Buffalo took in a large cargo of spars.

Then succeeds the Bay of Islands, a fine capacious harbour, affording shelter in all weathers to any number of ships. It is now so well known and has been so often described, that any observations here would be superfluous, excepting that the Government town of Russell is situated at the southern extremity of the harbour in latitude $35^{\circ} 12'$ south, and longitude $174^{\circ} 12'$ east. Towards the North Cape, distant from the Bay of Islands twenty-five miles, is the harbour of Wangaroa, ad-

jacent to the fertile, beautiful districts of Mongonui and Kaitaia.

Wangaroa is one of the most beautiful and capacious harbours in New Zealand. Any number of vessels of any tonnage are certain and secure of good anchorage with from six to twelve fathoms water, and completely protected from the sea and every wind. The shores are bold and ships can anchor within a short distance from them. The entrance to the harbour is narrow but its exact position is known by one of the Islands of the Cavalles at the northern end of the group, about three miles distant from the mouth of the harbour.

CHAPTER III.

AUCKLAND—SEPARATION OF THE COLONY FROM NEW SOUTH WALES—CAPTAIN HOBSON APPOINTED GOVERNOR OF THE COLONY OF NEW ZEALAND—COUNCILS AND GOVERNMENT OFFICERS—FIRST SESSION OF LEGISLATIVE COUNCIL—SPEECH OF THE GOVERNOR—ORDINANCES—BUILDING OF AUCKLAND—ERECTION OF A METROPOLITAN CHURCH—ROMAN CATHOLIC CHURCH—NEWSPAPER AND BANK.

FROM October, 1840, the town of Auckland received accession of numbers continually by arrivals from other parts of the islands, as well as from the adjacent colonies.

In January, 1841, the Lieutenant-Governor, with the whole of the Government establishment, took up his permanent residence at Auckland, and every exertion was then made to prepare the town allotments for the sale advertised to take place in March.

During this period the Colony was under the Government of New South Wales, and every question and proceeding, whether judicial, commercial, or statistical, was obliged to be referred to the Governor and Council at Sydney for approval or rejection. Distant as New Zealand is from New South Wales, exclusive of the great difference between the circumstances of the two Colonies, this dependence of the former on the latter for all laws and regulations,



Drawn on Stone & Engraved by J. Gausse,

ROTO MA, ONE OF THE ROTO RUA LAKES.
near the source of the River Thames. (*see p. 42.*)

9, North Crescent, Bedford Sq.



must not only have continually embarrassed the Lieutenant-Governor, but have militated very much against the rise and progress of the infant Colony of New Zealand. It may easily therefore be conceived how much the best interests of New Zealand had been considered and promoted by its separation from, and independence of, New South Wales.

In the early part of the year 1841, intelligence from England hinted at the separation of the Colony, but it was not until the month of April that the Lieut.-Governor received despatches direct from the Home Government, announcing that Her Majesty had been pleased to create New Zealand a Colony separate and independent from New South Wales.

The sale of the town allotments, originally advertised for the 12th of March, had been postponed to Wednesday, the 12th of April, and this intelligence tended very much to enhance the anticipated value of property in the town of Auckland. The first Government sale of Crown lands in New Zealand took place on the day mentioned, the particulars of which will be found under another chapter.

On the 3rd of May, 1841, the inhabitants of Auckland and its vicinity were assembled, with the troops and all the public functionaries, when Her Majesty's Proclamation was publicly read, establishing the Islands of New Zealand, a distinct and independent Colony of Great Britain, and expressing Her Majesty's royal will and pleasure that the three Islands forming the Colony shall henceforth be designated,—New Ulster instead of the North Island,—

New Munster for the Middle Island,—and New Leinster for Stewart's or the Southern Island, (see Appendix E.)

At the same time was read Her Majesty's Commission, appointing Captain W. Hobson, R.N. to be Governor of the Colony of New Zealand, when he took the oaths in public, before the Magistrates and Government officers present.

The Proclamation announced the form of Local Government by Executive and Legislative Councils, in conjunction with His Excellency the Governor, and the following public officers were immediately appointed and sworn in by His Excellency.

Executive Council.

His Excellency the Governor.

The Colonial Secretary.

The Attorney General.

The Colonial Treasurer.

Legislative Council.

His Excellency the Governor.

The Colonial Secretary.

The Attorney General.

The Colonial Treasurer.

Three Senior Justices of the Peace

Commissioners of Land Claims.

Edward Lee Godfrey, Esq.

Matthew Richmond, Esq.

Government Officers.

Colonial Secretary . . . Willoughby Shortland, Esq.

Attorney General . . . Francis Fisher, Esq.

Colonial Treasurer and }
Collector of Customs } . . . George Cooper, Esq.

Surveyor General . . .	Felton Mathew, Esq.
Sheriff and Clerk to the Councils }	James Coates, Esq.
Protector of Aborigines . .	George Clarke, Esq.
Colonial Storekeeper . .	Henry Tucker, Esq.
Superintendent of Works . .	William Mason, Esq.
Colonial Surgeon . .	John Johnson, Esq. M.D.
Harbour Master . .	David Rough, Esq.
Postmaster General . .	Thomas Paton, Esq.
Registrar of Supreme Court	R. A. Fitzgerald, Esq.
Coroners.—Auckland . .	J. Johnson, Esq. M.D.
———— Bay of Islands . .	W. Davies, Esq. M.D.
———— Port Nicholson . .	J. Fitzgerald, Esq. M.D.

The first Session of the Legislative Council of New Zealand was opened on the 24th May, 1841. It is an assembly open to the public without regard to persons. As the speech of His Excellency, on that occasion, illustrates the exact position of the Colony, and declares the line of policy intended to be pursued, it may be considered as an important state document worthy of record. The following is His Excellency's Speech.

“Gentlemen,—I have availed myself of this early period to assemble the members of the Legislative Council for the purpose of bringing under consideration certain measures which the altered circumstances of the Colony seem to me urgently to require.

“At this, our first meeting, I deem it proper to draw your attention, not only to the Royal Charter, but to the highly important instructions under the royal signet and sign manual which accompany it. The Charter, as you are already aware, erects the

Islands of New Zealand into a separate Colony under the superintendence of a Governor and Commander-in-chief; it constitutes a Legislative Council who are empowered to enact laws and ordinances for the local Government of the Colony; it authorises the establishment of Courts of Justice and the issue of Commissions of the Peace, and in fact, brings into complete operation British laws, throughout the whole Colony of New Zealand. The instructions, under the royal signet and sign manual, more particularly define the functions of the Governor and Council, and in a clear and perspicuous manner point out the duties of each.

“In order that you, Gentlemen, may have an opportunity of acquainting yourselves with these particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the Council Chamber.

“I regret that I cannot at the present meeting, lay before you the Estimates for the present year, which although in a forward state of preparation, are incomplete, owing to the non-arrival of directions from the Lords of the Treasury, of which I am advised, and which may be daily expected.

“Gentlemen,—I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales, as were in force previous to our separation, and are now applicable to this Colony. It is not my intention, however, eventually to propose for your adoption, the laws of New South Wales; but it will be my endeavour, during the recess, aided by

the advice and assistance of the law officers of the Crown, to prepare for your consideration, such laws as will best provide for the administration of justice and the contingencies of social life in New Zealand ; therefore the measures now proposed to you, must be deemed temporary and contingent, as resulting from the present peculiar condition of the Colony.

“ By command of Her Majesty, I will bring under your consideration, the repeal of the Land Commission Act, and submit for your adoption, an ordinance for the same general purposes, but granting to the Governor of New Zealand the same powers as those heretofore enjoyed by the Governor of New South Wales. I will, likewise, lay before you, Bills for the regulation and collection of Her Majesty's Customs, for establishing Courts of Quarter Sessions and Requests, and for the prohibition of distillation. These, Gentlemen, are the only subjects for the present, on which I shall require you to deliberate.

“ Gentlemen,—We have a solemn and important duty to perform ; by our means conflicting interests are to be reconciled, harmony and tranquillity established, and measures are to be adopted for improving and elevating the character of the aboriginal inhabitants. In this salutary work, I confidently look for your cordial assistance and co-operation, and I trust, under Divine Providence, we shall be enabled to accomplish these important objects, and to give effect to Her Majesty's gracious and benign views for the welfare, prosperity, and civilization of this Colony.”

During the first session, the Legislative Council passed the following Ordinances.

1. An Ordinance to declare the laws of New South Wales, so far as they can apply to the condition of Her Majesty's subjects, to be in force in New Zealand, with clause of indemnity for all acts done since the 3rd May, 1841.

2. An Ordinance to repeal the New South Wales Act, empowering the issue of the Land Commission, and to vest similar powers in His Excellency the Governor of New Zealand.

3. An Ordinance of Customs, by which duties were enacted. (See Appendix F.)

4. An Ordinance establishing Courts of Quarter Sessions.

5. An Ordinance establishing Courts of Requests.

6. An Ordinance to prohibit distillation.

The declaration of the independence of the Colony, and the active measures of the Governor and Council for the welfare of the settlers, infused spirit and energy among the inhabitants of Auckland, whose numbers received increase daily, and immediately after the sale of the town allotments, houses and buildings sprung up with astonishing rapidity. The abundance of excellent timber, in the neighbouring ports along the coast, furnished ample materials, and large substantial storehouses, with comfortable dwelling-houses, very soon superseded tents and native huts.

In the month of April, a meeting of the inhabitants of Auckland was held at Government House, at which His Excellency presided, for the purpose of taking steps for the erection of a church. Resolutions were passed and a subscription opened. In the colonies, it is in the power of the Governor and Executive Council to grant from the public treasury, a sum equal to any private subscription not exceeding £1500, unless under special circumstances, but the amount in the first instance subscribed must exceed £300.

The subscription at the meeting exceeded the sum required for the assistance of Government, and in July the amount subscribed was nearly £500, which, with a corresponding amount from Government, enabled the trustees to enter into contracts for its erection. On the 28th July, 1841, the foundation stone of the Metropolitan Church of New Zealand, named *Saint Paul's*, was laid by his Excellency Governor Hobson with appropriate ceremony, in the presence of the public functionaries, the troops and the inhabitants, as well as numbers of the natives, who were addressed in their own language, by their Protector, Mr. George Clarke, Missionary, explanatory of the ceremony and of the purposes of the building. The church is to be built of bricks in the old English style of architecture, from the design of Mr. William Mason, and will contain six hundred sittings, one third of which will be free.

The subscription of the early settlers was very liberal, considering how few their numbers, but

although doubled by the Government, it will not be sufficient to complete the erection as proposed. The high price of materials and labour render the cost far greater than if erected in England, and to complete it will require the sum of £2500.

However, the Trustees, Willoughby Shortland, George Cooper, Matthew Richmond, Francis Fisher, and Felton Mathew, Esquires, anxious that no delay should take place in such an important public benefit, took upon themselves, most generously, the responsibility of entering into the various contracts for its erection; relying on the subscription of new settlers, and on the aid and assistance from religious societies, and other friends to the established Church in England.

In July, likewise, the Roman Catholic residents in Auckland, entered into subscription, for the building of a place of worship, according to the rites of their religion, and His Excellency the Governor granted them a piece of land in the town, for the erection of a Roman Catholic Church.

About this period was also founded, by a public Company, a Newspaper and Printing Establishment, and on the 10th July appeared the first number of the "New Zealand Herald and Auckland Gazette;" and very shortly afterwards, the establishment of the "New Zealand Bank" at Auckland, with branches at Port Nicholson and Russell, in the Bay of Islands, very much facilitated the commercial and monetary transactions of the settlers.





Drawn on Stone & Engraved by T. Goussier.

AUCKLAND

First & Second Views of the City of Auckland, New Zealand.

Published by J. and W. Dunn, London, Vol. 2.

St. North & Co., London, Vol. 2.

CHAPTER IV.

PROVISIONS — ANIMALS — VEGETABLES — NATURE OF THE
COUNTRY—SUPPLY OF PROVISIONS—PRICE OF PROVISIONS
—RENTS AND WAGES—SHIPPING—CLIMATE AND WEATHER
—EUROPEAN POPULATION.

IN New Zealand there are not, at present, with the exception of a few in the possession of the Missionaries, any cattle or sheep, belonging to the early settlers,—those persons in various parts who had been on the islands some time before the accession of the Colony to the British Crown. This may be attributed to the scarcity of natural food for them. It is true that a few head of cattle may, in some particular spots, find subsistence from the young sprouts of the fern and shrubs ; but there are no natural prairies of rich pasture for herds or uplands of short herbage for flocks.

Pigs are the only animals on the islands, available for the food of man, and which, from the inexhaustible abundance of fern root, their favourite food, they multiply exceedingly in the bush, where they have been allowed to run wild by the natives, who when they require them, soon catch them with their native dogs.

Goats are likewise domesticated by the natives, but there are but few comparatively on the Islands,

and milch goats sell readily, now, for four and five pounds each.

Among some of the natives Poultry are reared, but not to any great extent, although all kinds thrive and increase surprisingly. The climate seems particularly congenial to them, and the swarms of insects and flies, afford them the food they so much seek and desire. As the Colony becomes more populated, and proper attention is paid to the breeding and rearing of them, they will be an abundant and cheap resource of food for the settlers.

Of Vegetables,—Kumeras, Maize, Taro, Water-Melons, Pumpkins and Potatoes, are cultivated by the natives. Kumeras require very great pains, care and attention: in cleansing the ground for the seed root, then protecting by fences and hedges the young plants from the winds, and during their growth, continually clearing the field from all weeds, and keeping the plants free from the large caterpillar, which is so destructive to them. Maize, according to the native system of cultivation, requires more space than trouble, for the plants are more than three feet from each other, which they contend is indispensable for the nourishment of the root, as well as for the circulation of air and exposure to the sun, for the growth of the plants and ripening of the corn. These native plantations are most beautiful when they have attained their full growth and height, and the ears of corn are set. The corn when quite young and green is an excellent substitute for green peas, and most nutritious food. The

natives cultivate maize for winter stock of food for themselves, and in many districts also for trade with the Europeans. For their own food, they steep the grains of ripe dry corn in fresh water for some days, until it becomes almost putrescent, then draw off the water and steam it over hot stones.

Taro, water-melons and pumpkins are merely temporary food in their season. Potatoes are their chief vegetable, on which they depend for their winter stock of food. The soil and climate insure certain and abundant crops twice a year; but the natives would have greater produce and larger and better roots, if they planted the seed root deeper, and did not take them out of the ground until they were perfectly ripe and full grown.

The exaggerated statements circulated in England of the Colony, and its productions, soil, and climate, have led generally to the very erroneous impression and opinion, that the necessaries, and even more, as regards food, would be abundant and cheap. But New Zealand has neither a tropical climate, nor is it a country in which edible vegetables and fruits, indigenous to such regions, grow and flourish spontaneously and abundantly, nor is it a land inhabited by native animals adapted for the food of man, and easily obtained by the toils or chase.

The Islands of New Zealand are uncultivated wastes,—either of mountains covered with dense forests,—of plains and lowlands covered with impenetrable high fern and shrubs,—or of swamps and

marshes covered with rush and flax,—without any open spots of grass land for pasturage, or of verdant downs and hills for sheep.

In these vast tracts there is not to be seen a living animal, wild or domestic. The traveller's path in the woods is never crossed by the bounding deer, for his rifle to replenish his supplies, nor is his nightly bivouac ever disturbed by the howl or the dread of visits from more savage and ferocious animals. All is perfect silence and solitude in the extreme. The woods are comparatively destitute of the feathered race. The pigeon, the parrot, and the *tui*, in certain localities, are the only species that abound. Monsieur D'Urville, when he visited the coasts of New Zealand, appears to have been forcibly impressed with this stillness and solitude.

“Du reste à ces faibles hauteurs le règne animal semblait lui-même frappé d'impuissance. Plus d'oiseaux, point d'insectes, pas même de reptiles de la plus petite espece. Aussi en resultait-il un silence lugubre et absolu, une immobilité profonde qui font éprouver un voyageur les sensations les plus singulières. On dirait une nature morte et pétrifiée, une terre où nul être ne peut vivre, si ce n'est quelques plantes rabougries.”

(Voyage Pittoresque autour du monde, par M. D'Urville.)

Whatever is produced from the soil in New Zealand, for the food of its population, either of grain from arable land, or of stock from pasturage, must

be the work of time, by great labour and at much expence.

It will be thus evident how small are, and will be the resources of food from the actual produce of the Islands, either animal or vegetable, for the subsistence of any great number of settlers, until they themselves bring the land into cultivation and pasture, and import from New South Wales, to stock it with cattle and sheep to supply their wants. The impossibility of the first settlers being able to obtain land on their arrival in the Colony, and the length of time, twelve months, after the formation of the Government settlement on the Waitemata, before any land was for sale, completely prevented them from commencing operations for raising supplies for their own consumption, while the continual accession to their numbers, tended to increase their wants and dependence on the natives, and other extraneous sources for the daily necessities of life.

In the early days of the settlement at Auckland, pork and potatoes were the only fresh provisions that could be obtained cheaply from the natives, but the great influx of settlers, in addition to the troops and government officers, and artisans, very soon increased, greatly, the consumption of all the necessities of life.

The natives were not slow, in acquiring the knowledge of the enhanced value of their produce, or backward, in demanding high prices for what they chose to dispose of.

The small craft connected with the settlers and

natives on the coast, likewise benefitted by this new market. But it may well be conceived, that to supply, for so many months, such an increasing population, on the shores of the Waitemata, who actually had nothing within themselves, would reduce, very considerably, the stocks in the immediate vicinity, and consequently, unless the supplies, from more distant sources, were regular and ample, that provisions in Auckland would frequently be very scarce and very dear.

Such was the natural consequence, in a very few months, in Auckland, and in July 1841, provisions were scarce and very dear, as the annexed table will indicate.

Occasionally a few sheep are brought from Sydney, but they are scarcely saleable for the want of enclosures and pasturage, and after a sea voyage they are not in condition for the butcher. Beef has been also sometimes brought ready slaughtered, from the Bay of Islands, but the price places it beyond the purchase of persons of moderate means. Pork is the only fresh meat generally to be obtained. Fish was plentiful and cheap, supplied by the Europeans.

PRICE OF PROVISIONS AT AUCKLAND, July, 1841.

Beef	per lb.	1s 4d	Tea	per lb.	10s 0d
Mutton	- -	1 0	Coffee	- -	2 6
Pork	- -	0 7	Sugar, Brown	-	0 6
Flour	- -	0 5	Do. Refined	-	1 0
Bread	- -	0 7	Rice	-	0 4
Cheese, English	-	2 0	Potatoes	per cwt.	8 0
Butter, Irish	-	2 6			

In all new colonies, the wages both of servants and mechanics, bear no analogy to those of England. The same observations may apply to lodgings and rents of houses, all of which should be considered by those who leave their native country, and some accustomed trade or service. Such was the scarcity of accommodations for new settlers, as well as the demand for labour, that the following are not the highest rates paid at Auckland in September 1841.

RENTS AND LODGINGS.

<i>Wooden Houses</i>	{	Two small rooms and kitchen, £60. to
<i>Unfurnished</i>		£80. per annum.
<i>Lodgings Unfurnished</i>	{	One small room, £1. per week.
<i>Board & Lodging.</i>	{	<i>Board</i> , being without malt or spirituous
		liquors, and <i>Lodging</i> , a bed in a room with others, £2. per week.

WAGES.

Carpenters	-	-	16s. to 20s. per day.
Brickmakers	-	-	10s.
Labourers	-	-	8s.
Men Servants	-	-	£4. per month, and board.
Maid Servants	-	-	£36. per annum, and board.
Boys	-	-	10s. per week, and board.

On Wednesday the 1st September, 1841, the sale of crown lands took place, comprising suburban, cultivated and small farms, the details of which will be found in the succeeding chapter.

The settlement of Auckland, as the seat of Government, has naturally occasioned a resort of shipping, increasing with the numbers and wants of the settlers, as will be shewn by the list of arrivals of vessels in the Waitemata for one year, ending 30th September, 1841; and it must be remembered that there had been during that period no arrival of emigrants direct from England to Auckland, but that all the settlers there had come at their own expense, either from the neighbouring colonies of New South Wales, Van Diemen's Land, and South Australia, or had removed from other parts of New Zealand to Auckland.

ARRIVALS OF SHIPPING,

In the Harbour and Port of Auckland, New Zealand, from 12th September, 1840, to 30th September, 1841, from the Official Returns of the Harbour Master, Captain David Rough.

Month.	H. M. Ships.	Ships.	Barques.	Brigs.	Schooners	Cutters.	Total.
1840.							
September	—	—	2	—	3	1	6
October	2	—	—	—	2	—	4
November	—	—	—	—	6	—	6
December	—	—	—	2	7	—	9
1841.							
January	—	—	—	2	8	—	10
February	—	1	—	10	11	—	22
March	1	—	—	2	9	—	12
April	—	2	1	1	12	—	16
May	1	1	—	1	14	—	17
June	—	2	—	1	11	—	14
July	—	—	—	4	17	3	24
August	1	—	2	2	17	1	23
September	—	—	2	5	11	—	18
Total	5	6	7	30	128	5	181

	First Six Months.			Second Six Months.		
Men of War	-	3	-	-	-	2
Ships and Barques		3	-	-	-	10
Brigs	-	16	-	-	-	14
Schooners	-	46	-	-	-	82
Cutters	-	1	-	-	-	4
	69 vessels.			112 vessels.		

This number of 181 vessels is exclusive of numbers of smaller craft and decked boats of small draught of water, that are employed in the rivers and on the shores of the coast, adjacent to Auckland.

The climate and weather, in New Zealand, varies according to the locality, which will be easily conceived, from the great range of latitude between the North Cape, 34° 30' south latitude, and Cape South in Stewart's Island (New Leinster), 47° 10' south latitude, being nearly 800 geographical miles distant from each other.

In addition to this, the strong winds which always occur at the change and full of the moon, and which always blow on the coast, either from the north-east or south-west, unless affected by any line of coast or straits, such as Cook's Straits, where the prevailing winds are north-west and south-east, render places on either coast, particularly in the neighbourhood of mountains, more subject to heavy rains.

In the interior the weather is more equable, but colder, and by the high ridge of mountains, on each coast of the North Island, the valleys are completely sheltered from all winds, and heavy rains are not so

frequent. In the winter months, June, July, and August, there are occasionally slight frosts in the night, which sometimes nip the early potatoe crops of the natives, but the rising sun soon changes the temperature.

At Auckland, the easterly gales generally occur about the full and change of the moon, and blow for two and sometimes three days, and in the winter months with great violence; the wind then veers to the westward, and soon moderates.

The most settled weather is with south and south-west winds, which in the winter time are accompanied by frosts. The thermometer rises about 5° with north and north-east winds. It stood lowest (36°) one night in July, and highest (84°) one day in January.

The usual rise of tide, in the springs at Auckland, is about ten feet, but when a very strong easterly gale occurs, at the full or change of the moon, the rise is sometimes as much as twelve or thirteen feet.

METEOROLOGICAL TABLE,

From 16th September, 1840, to 16th September, 1841, kept by Doctor John Johnson, Colonial Surgeon, at Auckland, New Ulster.

Month.	Prevailing Winds.	Average Height of Thermometer.			Remarks.
		Morn.	Noon.	Even.	
1840 September 16th to 30th	South West	56	59	55	Five days squally and showery weather. Two days stormy, with heavy rain from the Eastward. Right days fine weather.
October 1st to 15th	South West	56	63	54	Nineteen days fine weather. Three days stormy, with rain from the Eastward.
16th to 31st	„	57	66	56	Nine days gales, squalls, and heavy rain from Westward.
November 1st to 15th	South West	57	63	53	Eighteen days fine weather. Two days stormy, with rain from Eastward.
16th to 30th	„	61	66	53	Ten days fresh gales, squalls, and showery weather from Westward.
December 1st to 15th	Easterly	63	69	58	Two days strong breezes and rain. The rest of the month very fine weather, with regular land and sea breezes;—the sea breeze setting in from the North East in the forenoon, and veering to the Southward in the evening.
16th to 31st	„	66	72	60	
1841 January 1st to 15th	Easterly	70	75	64	Ten days fresh breezes, squalls, and showers.
16th to 31st	Southerly	70	76	61	The rest of the month light winds, sea and land breezes, and very fine weather.
February 1st to 14th	Southerly	68	73	63	Eight days stormy, with rain.
15th to 28th	South West	69	74	59	The rest of the month light winds and fine weather.
March 1st to 15th	Easterly	67		59	Ten days stormy with rain; the rest of the month brisk breezes and fine weather.
16th to 31st	„	65	69	61	
April 1st to 15th	Easterly	59	68	56	Two days heavy gales from the Eastward and much rain.
16th to 30th	W. S. W.	54	63	54	Seven days squally and showery. The rest of the month fine weather.

Month.	Prevailing Winds.	Average Height of Thermometer.			Remarks.
May 1st to 15th	South West	55	63	56	Three days Easterly gale and much rain. The remainder of the month brisk westerly winds, and frequent showers.
16th to 31st	„	50	58	51	
June 1st to 15th	South West	48	56	50	One day Easterly gale and heavy rain. Nine days fine weather. The rest of the month strong breezes, squalls, and heavy showers from the westward.
16th to 30th	„	50	58	51	
July 1st to 15th	South West	46	56	46	Seven days fine weather. Five days stormy and rainy from the Eastward and South East. The rest of the month strong breezes, squalls and rain from the westward.
16th to 31st	„	47	56	46	
August 1st to 15th	North East	49	59	55	Three days stormy and rainy from the North East. Seven days westerly gales, squalls, and showers. On the night of the 20th the heaviest thunder-storm that has been experienced since the formation of the settlement.
16th to 31st	South West	50	58	55	
September 1st to 16th	West North East	51	58	50	First five days light showers and fine weather. Three days heavy gale and much rain. Six days light winds and fine, with occasional showers. Two days with strong north easterly breeze, with much rain.

The foregoing observations give the following results.

Month.	Corresponding Month to the season in England.	Mean Temperature.	Month.	Corresponding Month to the season in England.	Mean Temperature.
January	July	69.3	July	January	49.5
February	August	67.6	August	February	54.3
March	September	65.1	September	March	54.8
April	October	59.0	October	April	58.6
May	November	56.1	November	May	58.8
June	December	52.1	December	June	64.6

Mean temperature of Summer months, }
 December, January, and February . } 67°
 Mean temperature of Winter months, }
 June, July, and August . . . } 52°
 Mean annual temperature 59°

{ Difference of mean
 temperature of Win-
 ter and Summer
 months, 15°

The following tabular statement shews the mean temperature at Port Nicholson; but the meteorological observations from which it has been deduced, were only taken twice a day, 8. A.M. and 5. P.M. therefore the highest, noon, and the lowest, night, are omitted, although perhaps the mean would not have differed much.

METEOROLOGICAL TABLE,

Shewing mean temperature at Port Nicholson, deduced from the weekly statements published in the Wellington Spectator.

Month.	Corresponding Month to the season in England.	Mean temperature.
January . . .	July	67. 7
February . . .	August . . .	65. 6
March	September . .	63. 1
April	October . . .	59. 9
May	November . . .	56. 0
June	December . . .	51. 9
July	January . . .	50. 2
August	February . . .	50. 2
September . . .	March	51. 0
October	April	58. 4
November . . .	May	59. 5
December . . .	June	64. 4

Mean Temperature of Summer Months	} 65.9 {	Difference of Temperature between Winter and Summer Months, 15°.
Do. Winter Months		
Mean Annual Temperature		

The population of Europeans, throughout the three islands at the present time, may be fairly estimated between nine and ten thousand, and their number is increasing daily, not only by the measures of the New Zealand Company to augment their settlements and population, but from the emigration from the adjacent colonies of New South Wales, Port Phillip, Port Adelaide, Van Diemen's Land, in great numbers to New Zealand.

Auckland and the Waitemata district,	{	2,500
including Troops		
New Zealand Company's settlements,	{	6,400
Port Nicholson, New Plymouth, and		
Nelson		
Bay of Islands, Hokianga, Kiapara, and	{	500
other places on North Island .		
Middle and Southern Islands .		200
		9,600

PART II.

O N L A N D C L A I M S

IN

NEW ZEALAND.





Drawn on Stone & Printed by P. Roussé,

9, North Crescent, Bedford Sq.

FORTIFIED NATIVE VILLAGE.

Te Tau Ngāra a Pa, near Taupo. (see p. 38.)

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LAND CLAIMS IN NEW ZEALAND.

CHAPTER I.

LAND CLAIMS PECULIAR TO NEW ZEALAND—EFFECT OF THE INTENTION OF HOME GOVERNMENT,—AND OF THE PLAN OF THE NEW ZEALAND COMPANY—PURCHASES FROM THE NATIVES—PROCLAMATION AS TO LAND CLAIMS—GOVERNOR HOBSON'S LETTER TO THE MARQUIS OF NORMANBY—BILL TO APPOINT COMMISSIONERS—PRINCIPLES OF THE BILL—CASE OF THE PORT PHILLIP ASSOCIATION—CASE OF NEW ZEALAND COMPANY—ARGUMENTS AGAINST THE BILL—REASONS FOR IT—PREAMBLE—CLAUSES—SCHEDULES OF THE BILL—DESPATCHES OF SIR GEORGE GIPPS TO LORD JOHN RUSSELL.

ON the measures regarding this most important subject, depend the extent of territory, and consequently land revenue, that will be available to the Government for its colonial expenditure, and for the purposes of emigration. The subject itself is little understood, even by persons resident in the Colony, nor the extent of the claims with the serious contingencies dependent on the speedy and simultaneous adjudication of them on equitable principles. There is perhaps no parallel case, in the history of colonization, to New Zealand, as to land claims; therefore, it requires more particular explanation to elucidate the whole question, in all its bearings, comprehensively, yet intelligibly.

For some years, previous to the attention of the

government of New South Wales being called to the settlement of British subjects in the Islands of New Zealand, there were but few Englishmen, besides the Missionaries, located there, and those were principally, it may be said wholly, confined to the Bay of Islands on the east coast, and Hokianga on the western coast, and the intermediate country, on the North Island. The increasing intercourse with New South Wales augmented gradually their numbers, and from time to time, tracts of land were purchased from the natives by the settlers, for the purposes of cutting the timber for the Sydney market, and for cultivation.

In the year 1836 their numbers induced them to petition his late Majesty, William IV. for the protection of the Crown as British subjects, in consequence of which the attention of Parliament was called to the subject by Lord Glenelg, in 1837. The knowledge of this intention of the English Government to adopt some legislative measures regarding New Zealand, as soon as it was known in New South Wales, first directed the attention of capitalists and others to acquire land in New Zealand; which increased when it was ascertained in the year 1839 that a bill was brought into the House of Commons to sanction the proceedings of the New Zealand Company, which was only withdrawn at the request of the Secretary of State for the Colonies, from the assurance that the Government intended some immediate measures regarding New Zealand that would render the bill unnecessary. It was then, in addition to the intelligence of

the energetic and extensive plans of the New Zealand Company, that the rush of speculators took place to the colony from New South Wales, in the latter part of the year 1839, when numbers of vessels from Sydney, with barter goods, arrived in all parts of New Zealand to purchase land from the Aborigines. Such was the eagerness for speculation, that deeds of conveyance were drawn in Sydney, in English, with blanks for the boundaries, to ratify the purchase from the natives, to whom this document was explained, or pretended to be explained, by persons acting as agents for the real purchasers in New South Wales, who were very frequently imperfectly acquainted with the native language, as well as ignorant of the laws and customs among the tribes regarding the tenure of land. Thus, in many cases, the natives were quite unconscious of what they had really conveyed by these ready-made deeds, and the sequel has discovered that the same tract of land has been sold over and over again, and is now claimed by many different persons, all asserting the validity of their purchases by deeds. Not only was the North Island and the parts already well known, the object of these purchasers and speculators, but the Middle Island, almost unknown, as it had been, till then, unfrequented, was eagerly sought after, and tracts of land larger than counties in England—defined, sometimes by latitude and longitude, or by the course of large rivers,—were sold or conveyed for comparatively a trifle, on half a sheet of paper.

When Captain Hobson arrived as Lieutenant-

Governor at the Bay of Islands, in January 1840, he issued a proclamation—which had been issued at Sydney on the 14th January 1840,—dated 30th January, declaring, “That her Majesty, taking into consideration the present as well as future interests of her Majesty’s subjects, and also the rights and interests of the chiefs and native tribes of the islands of New Zealand, does not deem it expedient to recognize any titles to land in New Zealand, which are not derived from, or confirmed by her Majesty : but in order to dispel any apprehension that it is intended to dispossess the owners of land, acquired on equitable conditions, and not in extent or otherwise prejudicial to the present or prospective interests of the community ; her Majesty has been pleased to direct that a commission shall be appointed, with certain powers, to be derived from the governor and legislative council of New South Wales, to inquire into and report upon all claims to such lands, and that all persons having such claims, will be required to prove the same before the said commissioners when appointed :—and that all purchases of land in any part of New Zealand, that may be made from any of the chiefs or native tribes thereof, after the date of these presents, will be considered as absolutely null and void, and will not be confirmed or in any way recognized by her Majesty.”

This proclamation occasioned the immediate cessation of all such purchases, except by some parties in Sydney who conceived the Government had no legal grounds for such interference ; but at the

same time, in New South Wales and the Colony, it was discussed with great interest and anxiety, and considered as an untenable exercise of the royal prerogative. Meetings were held, and associations formed by all purchasers of land, for the purpose of opposing any legislative measure in New South Wales, calling in question such purchases made from the natives, and likewise in order to represent their case to, and remonstrate with, the Home Government.

Lieutenant-Governor Hobson, in a despatch to the Marquis of Normanby from Bay of Islands, in February, 1840, mentions this important subject.

“Of society here, there can be no better account rendered than may be found in the reports already before your Lordship; but a material change has taken place within these two years, in the avocations both of the European and Native population. The passion for land-jobbing now pervades every class; all considerations appear to be absorbed in this one object. Tracts of country, in some cases of five hundred square miles, are claimed by single individuals, and it not unfrequently occurs in the late purchases, that very fair equivalents have been given to the natives for these possessions. This mania for land-jobbing is by no means confined to Europeans, but has extended to the natives, who have proved quite as ready to sell their lands as the Europeans were to buy.

“The proclamation I issued by your Lordship's order, has had the effect of stopping the traffic; but

extensive mischief had been done before its promulgation, and in some cases the disaffected white people have used it as a means of exasperating the native mind against the Government : although the more industrious portions of the New Zealanders receive it as a proof of the advantages my presence will confer upon them.

“ I greatly fear that the conflicting claims for land that will be brought under the consideration of the commissioners, who are to be appointed to investigate them, will create a violent ferment through every class of society, both Native and European. I know perfectly well the former will resist the execution of all awards that may be unfavourable to them ; and that it will require a strong executive, supported by military force, to carry such decisions into effect. The grounds for contention are manifold. First, considerable tracts of land were sold, some years ago, for a sum which bears no proportion to the present price, and this exasperates the natives, and impresses on their minds, that formerly they were in every case over-reached and cheated, whilst in fact the old purchases were quite as just as those of a more modern date ; the former being without the hope of British interference, whilst the latter were effected with a certain knowledge that her Majesty's government would extend to this country the benefits of civil institutions and legal protection. It would be needless to attempt explanation to the natives of these subtleties, which are infinitely beyond their comprehension.

“The treatment of fraudulent claims may be easily disposed of, by restoring the land in all such cases to the original possessors, but there will be a great many most unreasonable demands made for restitution, and much discontent will prevail if they are rejected.

“Another very fruitful germ of discord will be found in the conflicting claims of the Natives to land in right of conquest, all of which have arisen from the suggestions of interested Europeans.

“According to native custom, war has not conquest for its object. But when the tribes under Shungee overran the country about Kaipara on the west, and Wangaroa on the east, Englishmen, who were on the spot, endeavoured to secure for themselves the valuable forests of those districts, and they treated for possession of them with the conquerors; remonstrance followed from the beaten party, and the most inflammatory means were resorted to, to induce the tribes under Shungee to defend their acquired right. The natives were tired of war; Shungee had received a wound, of which he afterwards died; so that a compromise was easily effected, by which certain Englishmen were permitted to exercise proprietary rights over these forests. Nothing could be more loose than their titles; but they were supported by violence and threats, and much of the land has since passed into other hands.

“Since the passion for jobbing has been excited in the native mind, by the comparatively high price

of land, these old claims have been revived, and it frequently happens that the same lands are sold by the conquerors and the vanquished respectively to different Europeans. The natives have a feeling of pride in these matters, and they each defend the right to sell with extraordinary pertinacity."

In the spring of 1840, a bill to carry out the previous proclamation of her Majesty, "for appointing commissioners to inquire into claims and grants of land in New Zealand," was brought before the legislative council at Sydney by his excellency the governor, Sir George Gipps. Every effort was made to oppose the passing of the bill, and counsel were allowed to be heard against it between the first and second reading. On the second reading of the bill, Sir George Gipps entered fully into its principles and details, explaining the national law.

The bill, he said, was founded on three principles. First—that the uncivilized inhabitants of any country have but a qualified dominion over it, or a right of occupancy only, and that until they established amongst themselves a settled form of government, and subjugate the ground to their own uses by the cultivation of it, they cannot grant individuals, out of their own tribe, any portion of it.

Secondly—that if a settlement be made in any such country by a civilized power, the right of pre-emption to the soil, or in other words, the right of extinguishing the native tribe, is exclusively in the government of that power, and cannot be enjoyed by individuals without the consent of their government.

Thirdly—that neither individuals nor bodies of men, belonging to any nation, can form colonies, except with the consent, and under the direction and controul, of their own government: and that from any settlement, which they may form without the consent of their government, they may be expelled.

It was contended, that these principles were in accordance with the laws of nations, and that, likewise, it had been the practice of England, in the first formation of the American colonies.

By the treaty of peace with Great Britain, on the declaration of the independence of the United States, the former relinquished all claims, not only to the government, but to the proprietary and territorial rights of the United States. By this treaty, the powers of government and the rights to the soil, which had been previously in Great Britain, passed definitively to the United States.

These principles have since become American Law, which maintains that the right of pre-emption to the soil is exclusive to the Government, and that no American subject can hold or acquire land, from the Indians, without the sanction and confirmation of the Government.

In 1835, some parties in Van Diemen's Land entered into an association, to establish a settlement on the southern coast of the continent of New Holland, and as the land was without the limits of the Government of New South Wales, on the eastern side, and not within the boundaries of the new province of South Australia, on the western side,

it was conceived, that such proceedings did not interfere with the rights and privileges of Great Britain. But Sir Richard Bourke issued a Proclamation declaring all such purchases to be invalid. After consulting the first law authorities in England, the Association was advised, that the grants obtained from the natives by the Association were not valid, for it had been a principle adopted by Great Britain, as well as other European States, that the title which discovery conferred on the Government, by whose authority or by whose subjects such discovery was made, was that of the ultimate dominion and sovereignty over the soil, even whilst it continued in the possession of the Aborigines.

Counsel likewise gave their opinion that Government could expel the Association from the settlement, for the Crown has the power to prevent such settlement being made by British subjects. The land of this Association now forms the counties of Grant and Bourke in the district of Port Phillip.

Sir George Gipps then referred to the more recent case of the New Zealand Company, and the correspondence which took place between them and the Secretary of State for the Colonies, in consequence of a letter from the latter, requesting to know whether the Directors were parties to an agreement with persons forming an expedition for the establishment of a settlement and government at Port Nicholson ; and, in consequence of which, the Company took the opinion of counsel, who declared such proceedings to be quite illegal.

The chief argument against the bill was, that over any transactions, between Englishmen and the natives, previous to Her Majesty taking possession of the Islands of New Zealand, the British government could not exercise any legal authority, or annul, retrospectively, any contract with them; that the independence of New Zealand had been formally acknowledged by the British Government by the recognition of a national flag, and the appointment of an English Vice-Consul, Mr. Busby, at the Bay of Islands.

But the declaration of independence was made only by a few tribes, in the Bay of Islands, at the suggestion of Mr. Busby, who acted without any authority either from the Governor of New South Wales, or from the Secretary of State for the Colonies, and was an act in consequence of the Quixotic proceedings of the Baron de Thierry, declaring himself Sovereign of the Middle Island. Although the declaration stated, that the native chiefs intended annually to meet in conclave, discuss and pass laws, it was well known, that they did not even understand the real meaning of their declaration of independence. In reply to this declaration by the chiefs, the British Government, through Lord Glenelg, merely observed, that "His Majesty will not fail to avail himself of any opportunity of shewing his good will, and of affording to the chiefs such support and protection, as may be consistent with a due regard to the just rights of others, and to the interests of His Majesty's subjects."

The recognition of a distinguishing flag is no concession or granting of immunities. New South Wales has been permitted to use a distinguishing flag, but the fact of her coasters sailing under it does not constitute her an independent power, and in truth, it may be well conceived, that the permission, to use these colonial flags, was for the mutual convenience of the shipping of the colonies to distinguish each other.

Although the proceedings, of the few chiefs in the Bay of Islands, rendered it necessary for Captain Hobson to enter into negotiation and treaty with them, for the concession of the Sovereignty of the North Island, yet the Middle and Southern Islands were taken possession of, in virtue of the right of discovery. That such a measure, as the bill proposed by Sir George Gipps, was considered not only perfectly constitutional but necessary, by parties well qualified to determine, will appear from the following extracts from the reports of the Committee of the House of Commons, appointed in the year 1837 to enquire into the condition of the Aborigines in British Colonies. "So far as the lands of the Aborigines are within the territories, over which the dominion of the Crown extends, the acquisition of them by Her Majesty's subjects, upon any title of purchase, grant, or otherwise, from their present proprietors, should be declared illegal and void."

On the 4th August, 1840, the bill passed the Legislative Council of New South Wales, and became law in the colony and its dependency New Zealand.

The Preamble to the bill states very minutely its intent and purpose—

“Whereas, in various parts of New Zealand, tracts or portions of land are claimed to be held by various individuals by virtue of purchase, &c. either from the chiefs or other individuals of the Aboriginal tribes inhabiting the same; and whereas no such individual can acquire a legal title or permanent interest in any such tracts or portions of land, by virtue of any gift, purchase or conveyance by or from the chiefs, &c.; and whereas, Her Majesty hath by instruction under the hand of one of Her Majesty’s principal Secretaries of State, dated 14th August, 1839, declared her royal will and pleasure not to recognize any titles to land in New Zealand which do not proceed from, or are not, or shall not be allowed by Her Majesty: and whereas it is expedient and proper to put beyond doubt the invalidity of all titles to land within the said Islands of New Zealand, founded on such purchases, &c. from the said uncivilized tribes or Aborigines of New Zealand. Be it therefore enacted, &c.”

“Clause 1. That all titles to land in New Zealand which are not, or may not be hereafter allowed by Her Majesty, are and shall be absolutely null and void.

“Clause 2. Her Majesty having been pleased to declare her gracious intention to recognize claims which may have been obtained on equitable terms; the Governor is empowered to issue one or more

commissions and appoint Commissioners to hear, examine and report on all claims to grants of land in New Zealand.

“Clause 3. The Governor may appoint Secretary to Commissioners.

“Clause 4. The Governor may refer, so often as he shall think fit, all claims to the Commissioners, and all claims to be made within six months, or else null and void, unless good cause shewn of inability to prefer the claims within the time specified.

“Clause 5. Commissioners, in hearing and examining all claims, and reporting on the same, shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same be such evidence as the law would require in other cases or not. The contract between the natives and original purchaser, without reference to any subsequent purchaser, to be only inquired into, and to set forth the number of acres the purchase money would be equivalent to, according to the rates paid in schedule D. Commissioners, if satisfied, to recommend grants, set forth the situation, measurement and boundaries; but no grant to exceed in extent two thousand and five hundred and sixty acres; nor to comprehend any head land; promontory, bay or island that may be required for defence, or for the site of any town, nor any land

situate on the sea shore within one hundred feet of high water mark.

“Clause 6. Compensation to be given for such land as may be required for the purposes of government, at the rate of not less than five, nor more than thirty, acres of land, for every acre required to be so reserved.

“ Clause 7. Governor to appoint meetings of Commissioners.

“ Clause 8. Power to Commissioners to summon witnesses.

“ Clause 9. Witnesses not appearing, or refusing to give evidence, can be imprisoned for any time not exceeding twenty-one days, or pay any fine, not exceeding one hundred pounds, as the Commissioners shall impose.

“ Clause 10. Salaries to be paid to Commissioners as the Governor shall direct.

“ Clause 11. Fees according to Schedule C. to be received by Secretary and paid into Colonial treasury.

“ Clause 12. Saving the right and prerogative of her Majesty.

(Signed)

GEORGE GIPPS,

Governor.”

SCHEDULES.

A. Commissioner's oath.

B. Secretary's oath.

C. Fees to be received by Secretary.

D. Rates at which the purchase money is to be calculated per acre.

Time when purchases were made.		Per Acre.	
From	To	s. d.	s. d.
1st Jan. 1815	31st Dec. 1824	0 6	
„ 1825	„ 1829	0 6	to 0 8
„ 1830	„ 1834	0 8	„ 1 0
„ 1835	„ 1836	1 0	„ 2 0
„ 1837	„ 1838	2 0	„ 4 0
„ 1839	„ 1839	4 0	„ 8 0

and fifty per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods when given in barter to the Natives for land to be estimated at three times their selling price in Sydney at the time.

After passing of the Bill, Sir George Gipps thus writes to Lord John Russell.

“ *Government House, Sydney, 16th August, 1840.*

“MY LORD,—Having in my despatch of this day’s date, forwarded to your Lordship an Act passed by the Legislative council of this Colony, to facilitate the settlement of claims to grants of land in New Zealand, I think it proper to explain in a separate despatch some of the circumstances, which have attended the passing of this act through the Council.

“ In prior despatches I have informed your Lordship, that speculations in land in New Zealand have been carried to great extent during the last few years, by persons either resident in New South Wales, or resorting from thence to New Zealand ;

which speculations or purchases were carried on even after the proclamations were issued, of which copies were forwarded with my despatch of the 9th February, 1840.

“The declared intention of Government to inquire into titles to land, and to disallow all exorbitant claims, occasioned much dissatisfaction among those purchasers or speculators: and when the act for appointing the commission to inquire into the claims was brought forward by me in Council, it was loudly denounced by the parties interested, as illegal and unjust.

“Petitions, praying to be heard against the Bill, were presented from various individuals, and the prayer of these petitions being acceded to, five different individuals were admitted to plead the cause of the petitioners before the Council; of these five persons, three were barristers, who appeared on behalf of the petitioners generally, the others were Mr. Busby and Mr. Wentworth, who appeared on their own account. Mr. Busby, the late resident, claimed somewhat more than fifty thousand acres of land, besides a township, or the site of a town in the Bay of Islands, which he valued at thirty thousand pounds. Mr. Wentworth claimed about one hundred thousand acres on the Northern Island, and about twenty millions of acres in the Middle Island, being, as he stated, the whole of that island, with the exception of about three millions of acres, which belonged, he said, to prior purchasers.

“Two entire days were devoted by the Council to

the hearing of these gentlemen ; their arguments, however, had not the effect of preventing the passing of the Bill, in the shape in which I have submitted it, for the approval of her Majesty.

I have, &c.

(Signed)

GEORGE GIPPS."

On the same day Sir George Gipps again addressed Lord John Russell as follows :

" Government House, Sydney, 16th August, 1840.

" There is yet a transaction, connected with the passing of the New Zealand Commissioners act, transmitted with my despatch of this day's date, which I feel it my duty to report to your Lordship.

" In the month of February last, seven chiefs from the Middle Island of New Zealand happening to be in Sydney, it was suggested to me by the persons who had brought them here, and under whose protection they were living, that they should be invited to sign a declaration of willingness to receive her Majesty, as their sovereign, similar in effect to the declaration which Captain Hobson was then engaged in obtaining from the chiefs of the Northern Island.

" The chiefs in question of the Middle Island were accordingly brought to the Government House, and through the medium of an interpreter, the nature of the document they were required to sign was fully explained to them in presence of myself, the colonial secretary, and several persons who claimed to have purchased land in the Middle Island, and amongst other things, it was expressly declared to

them, that only such purchases of land as should be approved of by her Majesty, would ultimately be confirmed.

“At the conclusion of this conference, a present of ten sovereigns was made to each of the chiefs, and they all promised to attend on the next day but one, to sign the paper which was to be prepared for them.

“On the day appointed, however, none of them appeared; and in reply to a message that was sent for them, a short answer was received from one of the Englishmen, under whose protection they were, that they had been advised to sign no treaty, which did not contain full security for the possession by the purchasers of all lands acquired from the Natives. It subsequently appeared, that it was by the advice of Mr. Wentworth that they adopted this course of proceeding; and Mr. Wentworth also, when before the Council, acknowledged that he had not only given his advice, but also that he had subsequently, and after the issue of my proclamation, in conjunction with four or five persons, purchased the whole of the Middle Island, or all the unsold portions of it, from these very Natives, paying them for it £200. in ready money, with a promise of a like sum per annum, as long as they should live.

“Such was the origin of Mr. Wentworth’s claim to twenty millions of acres in the Middle Island; and it was the legality and validity of this transaction that he appeared before the Council to defend.

I have, &c.

(Signed)

GEORGE GIPPS.”

CHAPTER II.

APPOINTMENT OF COMMISSIONERS—ORDINANCE OF LEGISLATIVE COUNCIL OF NEW ZEALAND—NATURE OF CLAIMS—NUMBER OF CLAIMS—CLAIMS IN NORTH ISLAND, OR NEW ULSTER—CLAIMS IN THE MIDDLE ISLAND, OR NEW MUNSTER—CLAIMS IN STEWART'S ISLAND, OR NEW LEINSTER—AREA OF THE THREE ISLANDS—CONSIDERATION GIVEN FOR LAND—MODE OF INVESTIGATION OF CLAIMS—TENURE OF LAND AMONG THE NATIVES—AMOUNT AND DATE OF CONSIDERATION GIVEN—EXAMPLE OF CLAIMS.

IMMEDIATELY after passing of the bill, the Governor, Sir George Gipps, nominated three Commissioners to act, viz. Francis Fisher, Esq., William Lee Godfrey, Esq., and Matthew Richmond, Esq., who proceeded to New Zealand, and commenced hearing claims at the Bay of Islands.

The separation of New Zealand from the colony of New South Wales in April, 1841, put an end to the powers of the Commissioners under the bill of New South Wales, and it was necessary, that the Legislative Council of New Zealand should pass a bill, to enable the Commissioners to resume their functions; and accordingly, on the 9th of June, 1841, an ordinance was passed by the Legislative Council assembled at Auckland, to repeal the previous act of the government of New South Wales, and to authorize the Governor of New Zealand to appoint Commissioners.



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V I E W F R O M T H E B A N K S O F T H E T H A M E S O F T H E F A L L O F T H E W A I R I R I



This ordinance is precisely the same as the act of New South Wales, with two exceptions—the first, that no mention whatever is made of a Secretary to the Commissioners in any of the clauses ; the second and most important difference is in the words of the first clause, and to which allusion will be again made in subsequent pages.

In the act of New South Wales the first clause is concise, limited, and specific, viz : “ Be it therefore enacted that all titles to New Zealand which are not, or may not hereafter be allowed by her Majesty, are and shall be absolutely null and void.”

The ordinance of New Zealand implies some other intent and view, for the words of the clause are, “ Be it therefore declared, enacted and ordained, that all unappropriated lands within said colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said colony, are and remain crown or domain lands of her Majesty, her heirs and successors, and that the sole and absolute right of pre-emption from the said aboriginal inhabitants, rests in, and can only be exercised by her said Majesty, her heirs and successors, and that all titles to land, &c. &c. are null and void.”

Under this ordinance two Commissioners only were re-appointed—Colonel Godfrey and Capt. Richmond—Mr. Fisher having been appointed Attorney General for the Colony, and intelligence having likewise been received from England, that Mr. Spain had been appointed Chief Commissioner of Land claims.

It has been thought expedient, to give this preliminary account of the circumstances attending the passing of the bill in New South Wales, as well as an abstract of it, in order to point out, precisely, the position in which the land claims are now placed.

The nature and extent of these claims next deserve attention, to shew on what grounds of value given, or otherwise, they can, with justice to the Natives, or as regards the future interests of British subjects, be recommended to the Governor for confirmation, by grants of the land, so claimed, from her Majesty.

These claims, when registered at the office of the Colonial Secretary were numbered—the extent of land specified—from whom purchased—consideration given—and nature of conveyance; but a great number are very vaguely described, and deficient in one or more particulars required, more especially those of later date.

Up to the 1st August, 1841, there were 595 claims which had been referred, by order of the Governor, to the Commissioners for hearing; and on the 1st October, 1841, there were 200 more, in the office of the Colonial Secretary that had not been referred.

As far as it was practicable, the 595 cases have been taken from the Government Gazette, and put into an intelligible form,—distinguishing the island, the coast, and the district of, or principal place near to, each claim. (See chap. iv. p. 121—Table, Land Claims.)

In many instances of the later purchases, the boundaries have been defined by degrees of latitude

and longitude, or by miles, therefore the area has been computed in acres. Such claims as are undefined in every way, have been omitted altogether, as well as those under 1000 acres. The number of acres, against the name of the claimant, comprise the whole of his claims, the number of which is specified by the figure following the name, and may have been purchased at different periods.

In the North Island, New Ulster, it will be found that there are no less than twenty-five different places of importance, in which there are claims, and it is on the North Island that there are the greater number of resident settlers. On the western coast, at Hokianga, there are above forty persons, many of whom have been resident some time, having above eighty claims for an area of land exceeding one hundred and thirty thousand acres. Then follows Kaipara, Manakao, Waikato, River Waipa, Kawia and Taranaki on the same coast. On the eastern side of the North Island, there are Doubtless Bay, Kaitaia, Mongonui, Wangaroa, the Bay of Islands, where the resident settlers have nearly one hundred and fifty claims for all the land in the neighbourhood; then lower on the same coast are Tutukaka, Wangari, Bream Bay, Matakana, Waitemata, Coromandel Harbour, River Thames, River Piako, Mercury Bay, Tauranga, East Cape, Poverty Bay and Hawkes Bay. On the northern shore of Cook's Straits there are, exclusive of the New Zealand Company's, claims for above one million of acres.

Exclusive of these claims to land on the Northern

Island, there are numerous islands claimed as purchased from the Natives. The Great Barrier, all the islands in the gulf of Houraki, excepting Waiheki; and in Cook's Straits, the isles of Manna, Kapiti or Entry Island, and the island of Kanarra at the mouth of the Pelorus River. The total number of acres, in the claims for the North Island, as already published, may be fairly, as far as they can be defined, estimated, in round numbers, at seven millions of acres, among about two hundred persons, having three hundred and fifty claims.

The claims to land in the Middle Island, New Munster, will excite more surprise and astonishment than those of the North Island, where many of the claims are of long date, and the Natives have received, at the time of purchase, what may be justly considered the full value of the land, bearing in mind the internal state of New Zealand, and the absence of all protection, to property and person, at such period.

On the Middle Island, except in Queen Charlotte's Sound, Cloudy Bay in Cook's Straits, and on the south-eastern part of the island at Akaroa and Otako, which are all whaling stations only, there are few or no settlers. The Natives, likewise, are very few in number, in comparison with the North Island. To the latter fact, may perhaps be attributed the extensive claims by so very few persons.

Beginning at the western extremity of Cook's Straits, on the southern coast, being the northern shore of the Middle Island, there are claimants for Blind Bay, Admiralty Bay, and both banks of the

Pelorus River for fifty miles inland, Queen Charlotte's Sound, and Oyster, Tararra, and Wynangra Bays within Cloudy Bay.

On the east coast of the Middle Island, there are the shores called Lookers-on, Akaroa, Moracka, Otako, Port Levy, and all the coast, including Bluff Harbour, of Foveaux's Straits. Then on the western coast, there is Dusky Bay, Preservation Bay, Port Adventure, Mistaken Bay, and Cape Farewell, all of which have claimants. There are likewise three whole islands on the eastern coast of the Middle Island alleged to have been purchased from the Natives : Ahamataroa, Green Island, and Spencer Island. The total number of acres, claiming grants from the Crown, on account of purchases from the Natives, on the Middle Island, cannot be computed at less than twenty-five millions of acres, and these claims are made by less than thirty individuals.

The whole of the Southern Island, generally known as Stewart's Island, but now designated New Leinster, is wholly claimed, as well as the small adjacent islands of Erocochere, and the Land of the Living.

Those claims, yet unpublished by the Commissioners, are not calculated, but the above details will be sufficient to shew the great importance of the question of land claims in New Zealand, more particularly, when the actual area of the whole three islands is compared with them.

The area of the three islands of New Zealand has been variously estimated, and, in recent publications, generally conceived to exceed 90,000 square

miles. However, the North Island may be computed to cover a superficial area of 34,000 geographical or 39,383 English square miles, containing above 25 millions of acres. The Middle and Southern Islands may be estimated pretty accurately to contain 40,000 geographical or 46,731 English square miles, and nearly 30 millions of acres. Therefore, the total area of the Colony of New Zealand may be said to contain, in round numbers, 86,000 English square miles, or fifty-five millions of acres.

In comparison with the actual area of the three islands, how large is the proportion of land alleged to have been purchased from the Natives! Already thirty-two millions of acres are claimed, and if the claims, unpublished, are in the same ratio, there will be more than four-fifths of the whole of New Zealand claimed as private property, leaving only one-fifth for the numerous aboriginal tribes, spread chiefly over the North Island, and for Her Majesty to exercise her right of sovereignty and pre-emption, for the purposes of her government and the supply of emigration under its sanction. It is well known, also, that the largest part and most fertile district of the North Island has not yet been sold by the Natives, nor is it even claimed by Europeans, viz. the rich valleys, in the interior, of the Waikato and Waipo Rivers, of the lakes of Taupo and Roto Rua, and the whole of the Eastern coast.

It is impossible to form an accurate estimate of the real consideration given, or of the actual total amount paid, by parties making claims to these vast

tracts of land, for there are nearly two hundred cases in which no consideration is stated. Investigation of the details of these claims will point out the very great difference of consideration and value, given by the early settlers, and more recent purchasers, particularly between those of the North Island, of the Bay of Islands, and Hokianga, and the immense tracts of land alleged to have been purchased in the Middle Island, for very small sums.

It will be now necessary to illustrate the mode prescribed, by the ordinance of the Legislative Council of New Zealand, to the Commissioners for adjusting such claims. The instruction contained in the commencement of the sixth clause, protects equally the Aborigines, and the purchaser, and prevents the former from being the unwary dupe of the latter; for the Commissioners "shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same be such evidence as the laws would require in other cases or not."

That the Natives should properly understand any contract they may have entered into, is but common justice to them. Acute as they are, and sensibly alive to their individual and collective interests, yet it is well known that, in many instances, they have been induced to sign agreements to part with lands, for which they had not immediate use or occupation, conceiving that they were only disposing of the crop

to be raised on that land, or in other words, at a rental. In many other cases, the conveyances have been brought already prepared in English, with blanks for boundaries, which have been filled up without such boundaries ever being seen, much more measured, but stated as extending so many miles on each of the cardinal points of the compass, and the document then interpreted by Europeans to the Natives, according to what the latter may have intimated their meaning to be of the sale.

Next to the proper understanding and acknowledgment, by the Natives, of any document it may have been alleged they have signed, is to ascertain, whether the Natives, who have been parties to such sale, are the real owners of the land claimed. The laws and customs of the aboriginal chiefs and natives, regarding land, are so well understood and acknowledged amongst themselves, that the various respective boundaries of every tribe and chief are well known, and can easily be ascertained. They possess their land either hereditarily, or by right of conquest, and such dominions are not the property of one individual or chief, but the property of the tribe in common, according to their grade, as minor chiefs or *rangatiras*, and their relatives, the younger branches of old families, and frequently females who claim in right of their parents. The chief is the organ of the tribe; but he has neither exclusive property nor power, except similar to clanship or the feudal system, which, in truth, approximates nearer to the customs of the Natives in New Zealand, than

any other form of government. They never actually divide their property ; but move, according as their inclination, or their idea of more productive cultivation may prompt, from one part of the property of the tribe to another. Then each individual occupies and cultivates a certain quantity of land, which is regarded as his exclusive property for the time : occupation being held sacred.

It is very clear, therefore, that in any extensive purchase of land from the Natives, many must be interested, and consequently their assent and signatures required to any document stamped with validity. The great eagerness of Europeans in 1839 to purchase land, has no doubt led to many transactions that will prove quite invalid, for the Native will sell land, if he is only an individual of a large tribe, sometimes being fully aware he has no right to it whatever, and sometimes conceiving he is only selling and conveying his own share of the joint property of the whole tribe.

Extract from a Letter to Willoughby Shortland, Esq. Colonial Secretary, from Rev. W. Williams, 8th May, 1840.

“ I take this occasion of sending, for the information of his Excellency the Governor, some account of a most nefarious transaction which took place in January last, being an attempt on the part of a Captain Rhodes, of the barque Eleanor, from Sydney, to dupe the Natives out of a tract of land, extending from Port Nicholson to the northern side of the Ahuriri, in Hawke's Bay, and again from the

northern bank of the river Wairoa, to the north of Table Cape. For this land, embracing a coast line of about one hundred and sixty miles, and intended no doubt to extend as far into the interior as may be convenient, property to the amount of about one hundred and sixty pounds has been paid to the Natives. A list of this property I have in my possession. From this circumstance alone I doubt not but that his Excellency will take measures to set aside the whole transaction: but in addition to this fact, I am prepared to establish:

“First—That a large portion of the land was bought from persons who had no interest in it.

“Secondly—That those persons, signing the deeds, being proprietors of the land, did not understand their nature.

“Thirdly—That some of those who signed the deeds, expressed their disapproval after their signature was given, by refusing to receive the payment.

“Fourthly—That the most numerous body of the proprietors were not consulted in the matter, the purchase having been made on board ship, and expressed their most decided disapprobation.”

In many instances in the present claims, the same district has been alleged to have been purchased by more than one, sometimes three or four persons, and if enquiry is made of the chief and tribe of natives, who are actually the lawful owners and possessors, as to the real purchaser, they will declare they have never yet sold it at all.

On the Northern Island there can be no difficulty whatever, in ascertaining the real proprietors of the various districts ; for the incessant and sanguinary wars, until within four years since, have diminished the tribes, and rendered their respective limits and boundaries more definite, and as there will be no more such struggles, there will be no alteration from the present occupation, and consequently no dispute as to the property of the chiefs and tribes.

The native population, in the North Island, is nearly one hundred and fifty thousand, and every part of it has its just owners and actual possessors. Not so in the Middle Island, where, with the exception of the southern shores of Cook's Straits, on which the Natives of Kawia of the North Island have some conquered territory and Pas, the number of Natives is small in proportion to the land.

This may, in some measure, account for the vast tracts of land, sold by the Natives on the Middle Island, for such trifling sums. The quantity of land required by so few Natives, for occupation or cultivation, could be nothing on an island 400 miles in length, and averaging 100 miles in breadth : therefore, they were quite willing to receive, whatever Europeans would give, for that which was quite unavailable and useless to themselves.

When it is ascertained that the contract has been made with the chief and native tribes who are the rightful owners of the land, alleged to have been purchased, and that the Natives fully understand the agreement entered into by them, then the sixth

clause enacts, that the Commissioners "shall enquire into, and set forth, the valuable consideration, with the sterling value thereof, paid for the lands claimed, as well as the time and manner of such payment to the Natives, by the original purchaser from the Aborigines, and not to take cognizance of any valuable consideration given for the land by any subsequent purchaser."

This is certainly a most judicious enactment, for it circumscribes the enquiry and adjudication, to what will, hereafter, be the title deeds of all the landed property in New Zealand.

There are many claims, however, made on the plea of being derived by purchase from parties who had previously acquired the land from the Natives; but any enquiry, into such transactions, would be fruitless as to establishing the validity of any original contract by a third party with the Natives. The decision—or rather the dismissal of all such cases without hearing—by the Commissioners, will no doubt render nugatory very many of these subsequent sales, but they must be adjusted between the parties themselves. The Government cannot interfere in such cases. Indeed, generally, these bargains have been entered into, either at a price stipulating guarantee of good title or refunding the purchase money, or comparatively at a very low sum, to incur all risk of the claim being disallowed by the Commissioners.

The consideration, given for the land to the Natives, has generally been in goods, more especially in the earlier purchases. Blankets, tobacco, pipes,

muskets, gunpowder, lead for bullets, cartouch boxes, tomahawks, and slops, are the principal articles. When the delivery of these articles is acknowledged by the Natives, they are to be estimated at three times their selling price, at Sydney, at the time of purchase. This process is rather vague, and liable to deception and abuse. It ought to have been accompanied by a stipulation compelling the purchaser to produce a certificate of the wholesale prices of the articles, signed by two or three merchants of repute in Sydney.

In truth, it is difficult to comprehend the reason for any such incongruous proviso in the ordinance. It would have been a more simple and intelligible method, and would have abridged, as well as rendered perfectly clear, the duty of the Commissioners, if the invoice, at the actual cost of the articles, duly certified, was produced, or the claimant taking oath he had given sterling value to the amount. Then, if the scale of the various prices per acre, at the present dates of purchase, in the schedule D. had been reduced *two-thirds*, the same result would have been given, as by the complicated process of trebling the purchase money, and then valuing the land at proportionately high rates.

To illustrate further the enactments of the 6th clause (5th New South Wales) of the ordinance, and the principle on which the adjudication of the Commissioners is to be guided, two promiscuous examples—but of early and late dates—taken verbatim from the official documents, will be sufficient.

“CASE 155.—Gilbert Mair, of the Bay of Islands, New Zealand, claimant.

“350. Three hundred and fifty acres, more or less, situated at the Bay of Islands, at the mouth of the Kowa Kowa river, below the town of Russell, and called Wahapu; bounded on the south and west by the salt water of the bay, and on the other two sides by the neighbouring Europeans. Alleged to have been purchased by the claimant in the year 1831, from the natives of the Kowa Kowa tribe.

“*Consideration.*—Merchandize to the amount of £70. sterling.

“*Nature of Conveyance.*—Not stated.”

Presuming the contract to have been made and allowed by the Kowa Kowa natives, it will be necessary to prove the selling price of each article of merchandize at Sydney in 1831, and that the estimate is to be trebled, which, if the statement of Mr. Mair be correct, would be £210.

According to the schedule D, the valuation per acre, for valid purchases in the year 1831, is *nine-pence* per acre. For Mr. Mair, being a resident, is not liable to the additional 50 per cent. on the valuation per acre, to which all claimants not personally resident in New Zealand, or not having a resident, are subject, therefore he will be entitled to the whole of his claim. Indeed had Mr. Mair purchased, for the same sum, an area equal to the maximum grant (2,560 acres), his claim would have been allowed; for the table very justly fixes, comparatively, a low rate on such early purchasers and residents.

The second example is of a different character. “*Case 187 (a), John Jenkins Peacock, of Sydney, merchant, claimant.*”

“All that piece or parcel of land known by the native names of Tetaranga, and E Ko-koi, situated in Cook’s Straits, bounded by Jackson’s Head to the eastward, and to the westward by the Pelorus River; to the northward by Cook’s Straits, extending inland thirty miles south-west. *Contents not stated.*”

Although the contents are not stated, the area can be nearly ascertained. From Cape Jackson, or Jackson’s Head, to the entrance of the Pelorus, is at least twenty miles along the shores of Cook’s Straits, consequently the claim contains 600 *square miles*, or 384,000 *acres*.

“Alleged to have been purchased in October, 1839, from Abutto, chief of Tetaranga, and E Ko-koi.

“*Consideration.*—Cash and merchandize to the amount of £50. sterling.

“*Nature of Conveyance.*—Deed of feoffment to claimant, dated 15th October, 1839.”

Applying the conditions of the sixth clause, the sum will be £150.; and, according to the rates of the table in schedule D., the valuation will be *eight shillings* per acre: but Mr. Peacock not being personally resident himself, and having no resident agent on the Pelorus River, fifty per cent. must be added, and *twelve shillings* per acre will be the scale of valuation, which will reduce the claim to a recommendation for a grant of 250 acres.

It will be evidently seen, that the award, in both these cases, would have been precisely the same, if the table of valuation had been reduced proportionately to the multiplication of the cost. In the former case of Mr. Mair, it would have been a valuation of three pence per acre on a purchase-money of £70., and on the latter of four shillings per acre on the actual sum paid of £50.

These examples will show to what extent the scale of valuation will affect the claimants of all dates, and likewise, give some idea of the very great extent of land, that must be awarded by the Commissioners, in those cases that are allowed by the natives.



Drawn on Stone & Engraved by P. Uau.

9 North Crotona, Baltimore, Md.

FORTIFIED NATIVE VILLAGE

A Pa on the Lake Okatawa on the East Coast. (See p. 20.)

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CHAPTER III.

LARGE CLAIMS ON MIDDLE ISLAND.—REASONS FOR IMMEDIATE DECISION ON LAND CLAIMS—EFFECT OF LAND CLAIMS ON SALES OF CROWN LANDS—NECESSITY FOR INCREASED NUMBERS OF COMMISSIONERS—QUESTION AS TO SURPLUS OF LAND FROM GOOD CLAIMS—CLAIMS TO LAND BY INTERMARRIAGE OF ENGLISHMEN WITH THE NATIVES—LANDS OF THE ABORIGINES.

In all cases, generally, of claims bearing date previous to 1838, grants will be awarded to residents, even to the maximum, prescribed in the fifth clause, of 2560 acres, or four square miles. The claims, likewise, of later date will have some proportionate award, and it is only those of very late date, on the Middle Island—which are ridiculous in extent, as they are most probably questionable in validity—that will be declared absolutely null and void:—such as

	ACRES.
Mr. Weller - - Sydney, for	3,557,000
Messrs. Catlin & Co. „	7,000,000
Mr. J. Jones - - „	1,930,000
Mr. Peacock - - „	1,450,000
Mr. G. Green, - „	1,377,000
Messrs. Guard & Co. „	1,280,000

&c. &c.

A square mile contains only 640 acres, by which calculation, some estimate may be made of the above claims; some of which have been purchased at the rate of five hundred acres for a penny.

It is, on the Northern Island, that the valid claims of great extent will be found—between the Bay of Islands and the Waitemata; and that they should be quickly and finally arranged is of most serious importance to the Colony. The delay and suspense completely paralyses the operations of every class of settlers. The resident claimants, for the most part, remain inactive and fearful, waiting anxiously the decision of the Commissioners, or rather of the Governor. This decision cannot be reckoned upon; for, by the fifth clause, the Commissioners can only *recommend* grants, and the last lines are—“Provided also, that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid, unless his Excellency shall deem it proper so to do.”

There is another most urgent and cogent reason, for the speedy and simultaneous adjustment of these claims. In the localities where timber, especially the Kauri, abounds, the claimants who are resident on the lands, alleged to have been purchased from the natives, are felling the trees with reckless haste, determined to obtain as much as possible from the land they claim, whatever may be the decision of the Commissioners. With this view, numbers of smaller trees, but which would be valuable some few years hence, are now cut down and sacrificed, merely for the purpose of making outlets from the forests, in order to drag out, the shortest and quickest way, those trees which are now valuable; and thus the colony will be most extensively and irremediably injured in one of its most important and valuable resources.

The Kauri, as is well known, is limited to certain districts. It is found only in the North Island, and there, on the eastern coast, not farther south than Tauranga; and, on the western coast, not farther south than Kawia, where there are only ten trees to be found.

It is more than probable that, in a few years, this noble, splendid, useful tree will be extinct in New Zealand, and the question of land claims, and the delay in their settlement, will have been the principal cause of the destruction of the young growing trees.

When the extent and nature of these claims to land in New Zealand, with the mode prescribed by the ordinances of the Legislative Council for their settlement, are well known and understood, it cannot be anticipated that persons who may resort to the colony, as free settlers, will purchase land from the Government, at an exorbitant price, or, in fact, at any price, until it is ascertained to what extent these claims will be granted; and the same reasons and motives will influence persons in England, and prevent them from purchasing land, from the Commissioners of Emigration, at the fixed price of £1. per acre.

Viewing the subject of land claims, in all its bearings and probable contingencies, it must be considered of most vital importance to the Colony; and it is likewise very evident, that on the equitable adjustment, both as regards the Aborigines and the Europeans, in the most simple, intelligible, and above all,—the most speedy,—manner practicable,

will depend, in a great degree, the future feeling of the Natives towards Europeans, and the prosperity of both.

There are numerous claims to land, as has been shewn, in various parts of both Islands, far distant from each other. To decide on those, the localities ought to be visited by the Commissioners, and the claims heard on the spot, on account of the evidence of the natives. If a claim is good, the Commissioners "are to set forth the situation, measurement, and boundaries, by which the said lands or portions of lands, shall or may be described in every such grant or lease, so far as it shall be possible to, and they conveniently can, ascertain the same."

The total number of the claims, when all registered, cannot be estimated at less than eight hundred, to adjudicate on which will be interminable duty for two Commissioners, the number indispensable for hearing every case, considering that they must remove from place to place, over the whole three Islands. The second clause empowers the Governor "to issue one or more Commissions," and to appoint any number of Commissioners.

The twelfth clause, with the schedule C, enacts that certain fees shall be paid by the claimants. On the filing of any claim, the sum of five pounds, various sums at different stages of the proceedings, and a sum of five pounds on the final report of the Commissioners, recommending a grant in favour of any party, not exceeding 500 acres, and for every additional 100 acres, ten shillings more, so that a

recommendation for a maximum grant of 2560 acres would require a fee of fifteen pounds.

For every case heard by the Commissioners, if unsuccessful, the expense to the claimant, cannot be less than seven or eight pounds, and if recommended, for the smallest grant, will be twelve pounds, and to a maximum grant, the fees incurred through all the proceedings, will not be less than twenty-five pounds. These fees will be sufficient to pay all expenses of the Commissioners, and as they are *pro tanto*, as the cases may be heard and decided, no further additional expense would be incurred, whether six Commissions, of two Commissioners each, were in active service for one or two years, or one Commission for ten or twelve years, which is the least possible time, on which the claims can be settled by merely two Commissioners, who are, in fact, only one as to business.

Prompt and decisive measures, therefore, should be immediately instituted by the Local Government, to settle these land claims without delay.

Four or five Commissions ought to be in operation, simultaneously, in different parts of the islands, which might easily be effected by dividing the country into districts. For instance:—*Bay of Islands*, to include the eastern coast, from the Waitemata to the North Cape. *Hokianga*, to include Kaipara and the western coast, northward of Manakao. *Auckland*, to embrace Manakao, Coromandel Harbour, the rivers Thames and Piako, and all the eastern coast down to Palliser Bay. *Kawia*,

to include the rivers Waipa, Waikato, and all the western coast down to Taranaki. *Cook's Straits*, could take all claims on both shores, as well as those for land in the Middle and Southern Islands. To each of these commissions should be attached, by special appointment, some respectable person well versed in the native language, and competent to examine witnesses, for the protection of the interests of the Aborigines.

To impress on the Natives, that their rights are the watchful care of the English Government, now that her Majesty has assumed the sovereignty of the islands, would be most politic and humane, and would operate most powerfully on their minds, in comparison to the conduct, which they, for so many antecedent years, have experienced from the lawless characters who have visited their coasts, taking advantage of them in all their dealings, endeavouring to dispossess them of their land, violating all their customs and observances, and frequently committing such brutal acts, as have irritated the Natives to summary retaliation and revenge, and occasional acts of bloodshed, in which, nine cases out of ten, the white people have been the first aggressors.

Lord Goderich, in a despatch to Major-General Bourke, January 1832, remarks :

“ It is impossible to read without shame and indignation, the details which those documents disclose. The unfortunate Natives of New Zealand, unless some decisive measures of protection be adopted, will I fear shortly be added to the number

of those barbarous tribes, who, in different parts of the globe, have fallen a sacrifice to their intercourse with civilized men, who bear and disgrace the name of Christians.

“ Considering what is the character of a large part of the population of New South Wales, and Van Diemen’s Land ; what opportunities of settling themselves in New Zealand, are afforded them by the extensive intercourse, which has recently been established ; adverting also to the conduct which has been pursued in these Islands, by the masters and crews of British vessels, and finding from the letter of the Rev. Mr. Williams, that the work of depopulation is already proceeding fast, I cannot contemplate the too probable results, without the deepest anxiety.

“ There can be no more sacred duty than that of using every possible method to rescue the Natives of those extensive Islands, from the further evils which impend over them, and to deliver our own country from the disgrace and crime of having either occasioned or tolerated such enormities.”

The immediate hearing of all claims, as soon as practicable, should be accompanied by corresponding judgment and decision ; and it should be law, that there could not be any appeal beyond the body invested with the power of judgment in the Colony. The decision, whether a grant should issue—and to what extent—for the fifth clause of the ordinance limits the recommendation of the Commissioners, unless specially authorized by the Governor, with

the advice of the Executive Council, should be vested in the Governor and Executive Council, and be publicly announced in the Government Gazette, within a certain time, after being reported by the Commissioners. As the cases are to be decided by equity and justice, rather than by any legal forms or technicalities, there cannot be much fear, that,—with the investigation of the Commissioners, directed by the plain enactments of the ordinance, and the subsequent consideration of the Governor and Executive Council,—there will be many cases improperly decided. And if it were probable, it would be far better for the parties themselves, as well as beneficial to the Colony at large, that the question of claims should be finally set at rest, rather than allow appeals to be made to the Courts in England, which would only tend to keep the greater part of titles to land in New Zealand in an uncertain, valueless state for years and years to come.

Connected with the settlement of these extensive claims for grants of land, arises a question of much importance, and more particularly affecting the property and interests of the Aborigines.

It is commented on, in this section, in consequence of the variation, or rather addition, before alluded to, in the words of the clause of the New Zealand Ordinance to those of the clause in the Act of New South Wales:—"That all *unappropriated* lands within the said Colony of New Zealand, subject, however, to the rightful and necessary occupation and use thereof by the Aboriginal inhabitants

of the said Colony, are, and remain, crown or domain lands of her Majesty, her heirs, and successors, &c. &c.”

In consequence of the Ordinance that grants to land are not to exceed 2560 acres, all claims, however valid, to a greater extent, will occasion, ultimately, a large surplus of “*unappropriated*” land. The natives have ratified, and are satisfied with the contract of sale of the whole land claimed by the Europeans, proved by their evidence before the Commissioners. In what light, therefore, is this excess of land from the claims to be considered?

Lord Normanby’s instructions to Captain Hobson, on the acquisition, by Government, of land from the Aborigines are very clear :—

“All dealings with the Aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith, as must govern your transactions with them for the recognition of her Majesty’s Government in these Islands. Nor is this all; they must not be permitted to enter into any contracts, in which they might be the ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any territory, the retention of which by them would be essential or highly conducive to their own comfort, safety, or subsistence. The acquisition of land by the Crown, for the future settlement of British subjects, must be confined to such districts as the natives can alienate without distress or serious inconvenience to themselves. To secure the obser-

vance of this rule will be one of the first duties of their official Protector."

If the Government considers that four square miles is sufficient for any individual to possess, by right of purchase from the natives, the land should revert to the Aborigines, and be considered as part of their lands, still at their disposal to the Government, who for the future can be the only purchasers. The land, if it does not pass to the alleged purchaser, in consequence of restrictive laws, remains legally and equitably the property of the Natives. It may be argued, that the Natives consider they have disposed of their rights to such land for ever, and are satisfied with their bargain: but the land must be the property of either the buyer or the seller; it cannot belong to a third party. If a claim is altogether invalid, surely the land will remain the property of the Aborigines; so ought whatever portion is disallowed by the Commissioners to revert to them by the same rule of equity. It is not the value of such lands that gives to this question its importance, and contingent consequences, but it is the impression and feeling which it will create among the Aborigines, of the character and justice of that Government, which has so recently assumed the sovereignty of their native land, and under whose laws and institutions they and their posterity are henceforth to live. The finesse and subtlety of civilized policy are unknown to the unenlightened Natives: but they have among themselves customs and laws, held sacred and inviolable,

which are truly just, more particularly as regards their territorial right and property.

Interwoven with the settlement of land claims, alleged by purchase from the Natives, is another most important subject, requiring the serious consideration and immediate decision of the Government.

Since the resort of Europeans to New Zealand, many of the settlers have intermarried with the families of native chiefs, and the latter have given dowries to their daughters of tracts of land, the husband being adopted into the tribe, and very frequently, especially if the daughter was the only child of the chief, and the Englishman a favourite with him and the tribe, the children of such marriage, have, at their birth, had likewise grants of land marked out for their future benefit, and held sacred by the "*Tapu*."

These alliances have been occasioned, generally, from motives of interest on both sides. The native chiefs were, in former days, anxious to secure the friendship and assistance of an European, accustomed to the use of fire-arms, to assist in repelling the attacks of other tribes, and likewise to be some protection to them, when visited by the whaling and coasting vessels, for the purpose of trade or plunder. On the other hand, the European, having neither home nor property, was glad to be received into fellowship by the Natives, and to enjoy the rights and immunities which an alliance with a native chief and tribe would insure to him.

The lands so apportioned are held sacred by the

Natives, as if the property of their own tribe ; and consistent with the respect professed to be paid to the possessions of the Aborigines by Government, these marriage portions, and gifts to children of such marriages between Englishmen and the native women, must be equally respected and guaranteed. These settlers located in New Zealand, many years before it was ever anticipated that it would become an English Colony, under an organized system of Government. They made it their adopted country by these marriages, and submitted to all the hazards and privations of such a life, and they now come before the British Government in a twofold character,—as Englishmen—and in right of their estates by marriage with a Native.

The rights of Europeans, under such circumstances, should at once be defined and adjusted, and there should be also some legislative enactment, respecting any future similar marriages with the native women, entitled, by their rank and birth in their tribe, to landed property. In the course of time, there will be many such alliances, as the Colony becomes more populated with Europeans, for the latter may be induced by the property, and the Natives are now so perfectly sensible of the very great benefits resulting to them from the vicinity of settlers, that they will be very desirous to induce the abode of Englishmen among them.

The land belonging to the Aborigines, whether desired by the Government, or alleged to have been already purchased from them by others, claims the

most serious consideration and just protection by Government; for the Natives of New Zealand, in their territorial rights and possessions, are different from most other savage states.

There is no absolute native monarchy in New Zealand, nor is the land the property in common of the whole nation. Each distinct tribe has its own district, and never leaves it unless to add to it by conquest, or from being driven from it by defeat. If a tribe have the whole of their district taken from them by land claimants, and by the Government, assuming they do receive some compensation, what is to become of them? They cannot retire into adjoining districts possessed and inhabited by other tribes, nor can they be drafted in small bodies throughout the islands, among all the tribes, which might be accomplished, if the Natives removed were merely members of one united nation.

The least encroachment on the lands of other tribes, by location and cultivation, would immediately rekindle ancient feuds, and occasion repetition of former scenes of bloodshed and extermination. No endeavour should be made to influence them to part with their land, without reserving to themselves an extent sufficiently ample to maintain the whole of their tribe, and the probable increase of their population, now that those sanguinary and frequent wars, which tended continually to diminish, and in some instances to annihilate a tribe, have happily, since the establishment of British Government, wholly ceased.

The minimum reserve of land for each tribe, could easily be regulated, according to its numbers, and they should not be compelled to part with any portion of land, that they would undertake to cultivate; for as agriculture, although now in a rude and imperfect manner, is their natural inclination and pursuit, they may be very soon induced, by the example and observation of the farming operations of new settlers, to avail themselves of the implements of husbandry, and exert themselves in a greater degree to the tillage and cultivation of their own lands.

To lead the Natives to such simple and innocent pursuits, is the surest and best means of civilizing them, and rendering them contented and happy, under the very great change of their circumstances, as well as useful members of a Christian Colony.

CHAPTER IV.

ABSTRACT OF LAND CLAIMS.

AN ABSTRACT of Claims to Land in New Zealand, by right of purchase from the Aborigines, as far as they can be defined from the Government Gazette, to September, 1841.

NORTH ISLAND, OR NEW ULSTER.

District.	Name of Claimant.	Residence.	No. of Claims.	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase.	Consideration given.
WEST COAST							£. s. d.
Hokianga	W. S. Deloitte	Sydney	1	2,000	—	1826	55 7 0
"	J. Anderson	Hokianga	1	1,000	—	1839	41 10 0
"	Robert Angus	"	1	1,000	—	1839	29 0 0
"	Thomas Cassidy	"	2	2,000	—	1837	116 17 8
"	E. Chadwick	"	1	1,000	—	1839	37 2 0
"	H. Chambers	Sydney	2	1,700	—	1839	68 16 3
"	D. B. Cochrane	Hokianga	3	2,000	—	1831	70 2 0
"	R. Chapman	"	2	1,200	—	1838	23 11 0
"	S. Egitt	"	2	1,100	—	1839	60 0 0
"	E. Fishwick	"	1	1,580	—	1835	122 0 0
"	Robt. Hunt	Mongahunker	2	3,003	—	1830	97 0 0
"	H. Jellicoe	Hokianga	2	2,100	—	1836	164 3 0
"	J. Kelley	"	1	2,560	—	1831	40 12 0
"	J. B. and J. H. La Court	"	2	25,000	—	1839	446 12 0
"	J. Marmon	"	6	1,450	—	1835	203 14 6
"	R. Mariner	"	1	1,500	—	1827	28 12 2
"	F. Bowyer	"	1	1,500	—	1827	28 12 2
"	J. O'Brien	Sydney	1	60,000	—	1839	640 0 0
"	J. Odeland	Hokianga	3	1,300	—	1836	85 4 8
"	H. Pierson	"	2	3,150	—	1835	93 18 0
"	J. Poynton	"	6	3,100	—	1837	249 13 10
"	G. Russell	"	4	1,550	—	1839	93 0 0
"	R. Thomson	"	1	1,000	—	1834	49 15 0
"	W. White	"	8	12,403	—	1839	754 0 0
"	W. Young	"	4	2,140	—	1837	186 0 0
"	Ten Claimants under 1000 acres each	"	10	3,700	—	—	—
			72		159,036		
Kaipara	William Wright	Sydney	1	40,000	—	1840	752 6 10
"	W. S. Grahame	"	1	4,000	—	1839	424 10 9
"	J. W. Macnee	"	1	12,000	—	1839	125 8 3
"	Samuel Hawke	"	1	1,000	—	1840	160 16 4
"	W. Christmas	"	2	7,000	—	1839	220 0 0
"	H. Chambers	"	1	70,000	—	1839	673 0 0
"	T. Elmsley	"	1	5,000	—	1839	305 16 4
"	E. Lord	"	1	20,000	—	1839	—
"	H. Tayler	Thames	1	20,000	—	1839	—
			9		159,000		

District.	Name of Claimant.	Residence.	No. of Claims	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase	Consideration given.
							£. s. d.
WEST COAST.	F. Peterson	Sydney	1	2,000	—	1840	—
Manakao	W. C. Symonds	Auckland	1	40,000	—	1836	—
"			2		42,000		
Waikato and River Waipa	W. C. Cormack	Sydney	1	12,000	—	1839	—
"	G. Sandeman	"	3	20,300	—	1840	—
"	W. Turner	Waipa River	1	2,000	—	1839	—
			5		34,300		
Kawia and Waingaroa	John Jones & Co.	Sydney	8	89,904	89,904	1839	—
Taranaki	Henry White	Hokianga	1	2,000,000	2,000,000	1839	—
EAST COAST.	W. Brodie	Bay of Islands	1	32,000	—	1840	180 0 0
Doubtless Bay	G. Thomas	Mongonui	7	3,750	—	1840	—
"	T. Phillips		8		35,750		
Kaitia	Rev. J. Matthews	Kaitia	2	2,503	—	1838	80 0 0
"	Rev. R. Matthews	"	1	3,000	—	1839	73 0 0
			3		5,500		
Mongonui	T. Ryan	Mongonui	5	2,280	—	1839	129 11 0
"	J. Berghan	Bay of Islands	9	4,605	—	1839	148 1 0
			14		6,885		
Wangaroa	R. Dacre	Sydney	1	5,000	—	1831	70 0 0
"	H. McLerer	Kororarika	4	7,600	—	1839	80 0 0
"	W. Powditch	Wangaroa	3	4,220	—	1839	237 0 0
"	J. Kemp	Keri Keri	2	3,700	—	1836	—
"	P. H. King	Bay of Islands	3	2,300	—	1836	—
			13		22,820		
Bay of Islands	James Busby	Bay of Islands	7	8,105	—	1839	503 2 6
"	Thomas Bateman	"	8	1,993	—	1839	253 0 0
"	G. J. Clayton	"	13	1,000	—	1838	600 0 0
"	J. H. Clendon	"	7	2,199	—	1839	539 5 9
"	P. Donovan	"	2	1,520	—	1840	21 15 0
"	J. Edmonds	"	1	2,700	—	1837	200 0 0
"	W. Hingston	"	4	2,600	—	1840	191 17 0
"	T. Joyce	"	1	6,000	—	1839	150 0 0
"	B. Nesbitt	"	1	1,500	—	1840	44 8 0
"	W. Potter	"	2	1,500	—	1839	40 0 0
"	F. Richards	"	1	10,000	—	1838	300 0 0
"	D. Salmon	Mouturu	2	10,000	—	1838	157 16 0
"	W. Small	Bay of Islands	1	3,000	—	1838	150 0 0
"	T. Spicer	"	8	1,500	—	1838	450 0 0
"	John Baker	"	3	3,700	—	1838	102 0 0
"	J. Davis	Waimate	1	5,000	—	1839	40 0 0
"	Rev. H. Williams	Kororarika	6	11,000	—	1839	905 10 0

District.	Name of Claimant.	Residence.	No. of Claims.	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase.	Consideration given.		
							£	s.	d.
EAST COAST.									
Bay of Islands	Charles Baker	Kororarika	3	6,230	—	1837	296	2	10
"	Wm. Baker	Wangaroa	4	10,030	—	1839	—	—	—
"	J. Kemp	Keri Keri	9	6,276	—	1839	—	—	—
"	J. King	Kororarika	4	10,000	—	1836	—	—	—
"	Twenty-nine under 1000 acres each	—	29	9,528	—	—	—	—	—
			117		115,379				
Tutukaka	F. Atherton	Kororarika	1	3,000	3,000	1839	133	8	2
Wangari and Bream Bay	James Busby	Bay of Islands	2	40,000	—	1839	320	9	9
"	R. Greenhill	"	1	3,000	—	1839	110	0	0
"	G. Mair	"	1	5,000	—	1829	450	0	0
			4		48,000				
Waitemata	T. Mellon	Matakana	1	15,000	—	1839	300	0	0
"	G. T. Clayton	Bay of Islands	2	1,200	—	1839	150	0	0
"	A. Dalziel	Auckland	3	2,700	—	1839	240	0	0
"	W. Lewington	Bay of Islands	1	2,000	—	1839	100	0	0
"	T. Maxwell	Waiheki	1	3,000	—	1837	—	—	—
"	A. B. Spark	Sydney	1	2,500	—	1839	100	0	0
"	H. Taylor	Thames	2	1,300	—	1839	—	—	—
"	R. Fairburn	"	1	40,000	—	1836	400	0	0
			12		67,700				
Coromandel Harbour	P. Abercrombie	Sydney	1	5,000	—	1839	583	0	0
"	Hanson & Co.	"	4	1,950	—	1839	290	0	0
"	C. Preece	Coromandel	2	2,000	—	1839	60	0	0
"	J. Preece	"	2	2,000	—	1839	—	—	—
			9		10,950				
River Thames	W. H. Christie	Sydney	1	10,000	—	1839	201	16	0
"	W. C. Cormack	"	1	5,500	—	1840	—	—	—
"	L. McCaskill	"	4	250,000	—	1839	800	0	0
"	A. B. Spark	"	2	160,000	—	1839	460	18	6
"	H. Tayler	Thames	2	20,400	—	1839	—	—	—
"	George Weller	Sydney	1	480,000	—	1832	—	—	—
			11		925,900				
River Piako	C. Abercrombie	Sydney	1	80,000	—	1839	—	—	—
"	Rev. T. Aitken	"	1	7,670	—	—	—	—	—
"	George Beadon	"	1	15,360	—	—	—	—	—
"	W. C. Cormack	"	2	19,200	—	—	—	—	—
"	C. M. Gordon	"	1	15,360	—	—	—	—	—
"	J. McClean	"	1	16,000	—	—	—	—	—
"	R. McDonnell	"	1	12,800	—	—	—	—	—
"	A. McGregor	"	1	7,680	—	—	—	—	—
"	A. McInnes	"	1	3,200	—	—	—	—	—
"	G. McKay	"	1	6,000	—	—	400	0	0
"	G. Newton	"	1	12,800	—	—	640	0	0
"	G. Sandeman	"	2	24,500	—	—	—	—	—
"	J. Thain	"	1	7,680	—	—	—	—	—
"	H. Downing	"	1	1,600	—	—	—	—	—
			16		220,750				

District.	Name of Claimant.	Residence.	No. of Claims.	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase.	Consideration given.		
							£.	s.	d.
EAST COAST.									
Mercury Bay	G. Browne	Mercury Bay	—	4,000	4,000	1830	120	0	0
Tauranga	R. Jones	Sydney	—	100,000	100,000	1830	—		
East Cape	F. Whitaker	Auckland	—	2,000	2,000	1839	100	0	0
Poverty Bay	T. Hulbert	Pov. Bay	—	1,004	1,004	1839	315	0	0
Hawkes Bay	Daniel Cooper	Sydney	1	345,000	—	1839	185	0	0
Cape Turnagain	"	"	1	883,000	—	—	158	0	0
Table Cape	"	"	1	100,000	—	1838	50	0	0
			3		1,328,000				
Cook's Straits	J. J. Peacock	"	1	64,000	—	1839	418	0	0
"	Daniel Cooper	"	1	768,000	—	—	—		
"	F. Peterson	"	1	23,040	—	—	—		
ISLANDS.			3		855,040				
Rangi Toto	George Weller	Sydney	—	—	—	1832	—		
Motu Tapu			—	—	—	—	—		
Motu Te			—	—	—	—	—		
Motu Koreho	T. Maxwell	Waiheki	—	—	—	1839	—		
Motu Tapu	W. Abercrombie	Sydney	—	—	—	1838	1140	0	0
Great Barrier									
Total on North Island			339	Acres	6,125,918				

MIDDLE ISLAND, OR NEW MUNSTER.

District.	Name of Claimant.	Residence.	No. of Claims.	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase.	Consideration given.		
							£.	s.	d.
WEST COAST.									
Cape Farewell	J. C. Crawford	Sydney	1	250,000	250,000	1839	301	0	0
Mistaken B.	George Green	"	1	1,200,000	1,200,000	1838	200	0	0
Port Adventure	J. Moore	"	1	15,000	15,000	1837	—		
Dusky Bay	P. Williams	Preservation Bay	1	1,000,000	1,000,000	1829	754	0	0
Foveaux's Straits.	George Green	Sydney	1	57,600	—	1838	50	0	0
"	James Bruce	"	1	12,000	—	1836	30	0	0
"	E. Palmer	Foveaux	1	2,000	—	1836	95	0	0
"	J. J. Peacock	Sydney	1	600,000	—	1838	—		
"	Richard Peek	"	1	94,800	—	1840	127	0	0
"	J. Spencer	Bluff Harbour	1	8,000	—	1824	75	0	0
"	E. Weller	Sydney	1	57,600	—	1839	10	0	0
"	J. G. Brown & Co.	"	1	100,000	—	1840	40	0	0
"	John Jones	"	1	100,000	—	1840	—		
"	Thomas Jones	"	1	60,000	—	1840	27	0	0
			10		1,492,100				
EAST COAST.									
Otako	Patrick Bryan	Sydney	1	20,000	—	—	—		
"	Thomas Jones	"	1	260,000	—	1840	43	9	0
"	G. Thomas	"	1	250,000	—	1838	90	0	0
"	E. Weller	"	1	2,003,200	—	1839	76	0	0
"	J. Jones	"	2	1,880,000	—	1839	—		

District.	Name of Claimant.	Residence.	No. of Claims	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase	Consideration given.
EAST COAST.							£. s. d.
Otago	J. Brown	Sydney	1	50,000	—	1838	64 10 0
"	G. Green	"	1	25,000	—	1840	10 0 0
"	E. Brady	"	1	20,000	—	—	—
"	W. Hirst	"	1	100,000	—	—	120 0 0
"	J. J. Peacock	"	1	250,000	—	—	70 0 0
"	M. J. Duncan	"	1	160,000	—	—	145 0 0
			—		5,018,200		
			12				
Akaroa							
"	E. Weller	Sydney	1	1,500,000	—	1839	67 0 0
"	D. Cooper	"	1	150,000	—	1840	40 0 0
"	E. Cattlin	"	1	1,500,000	—	1840	30 0 0
"	G. Green	"	1	100,000	—	—	45 0 0
"	E. Cattlin & Co.	"	1	5,500,000	—	—	60 0 0
			—		8,750,000		
COOK'S STRAITS.			5				
Blind Bay	J. F. Goodser	Sydney	1	15,000	—	1839	150 0 0
"	W. Cowper	"	1	8,000	—	—	—
Admiralty Bay	J. Guard & Co.	"	1	1,280,000	—	1839	500 0 0
"	J. J. Peacock	"	1	600,000	—	—	50 0 0
"	W. Hay	"	1	150,000	—	1839	—
			—		2,063,000		
			5				
ISLANDS.							
Mauna	George Bell	Dundee	—	—	—	1832	—
Kapiti	D. Cooper	Sydney	—	—	—	1839	100 0 0
Kanarra	F. Peterson	"	—	—	—	—	—
Ahamataroa	G. Green	"	—	—	—	—	10 0 0
Green Island	G. F. Clarke	"	—	—	—	—	30 0 0
Spencer's	J. Spencer	Old Bluff	—	—	—	1834	30 0 0
Total on Middle Island 38				19,278,000 Acres			

STEWART'S ISLAND, OR NEW LEINSTER.

The Island, and Erecochere	Name of Claimant.	Residence.	No. of Claims	Area of Claims in Acres.	Total Claim in each District.	Date of Purchase	£. s. d.
	G. Weller	Sydney	—	—	—	1839	100 0 0

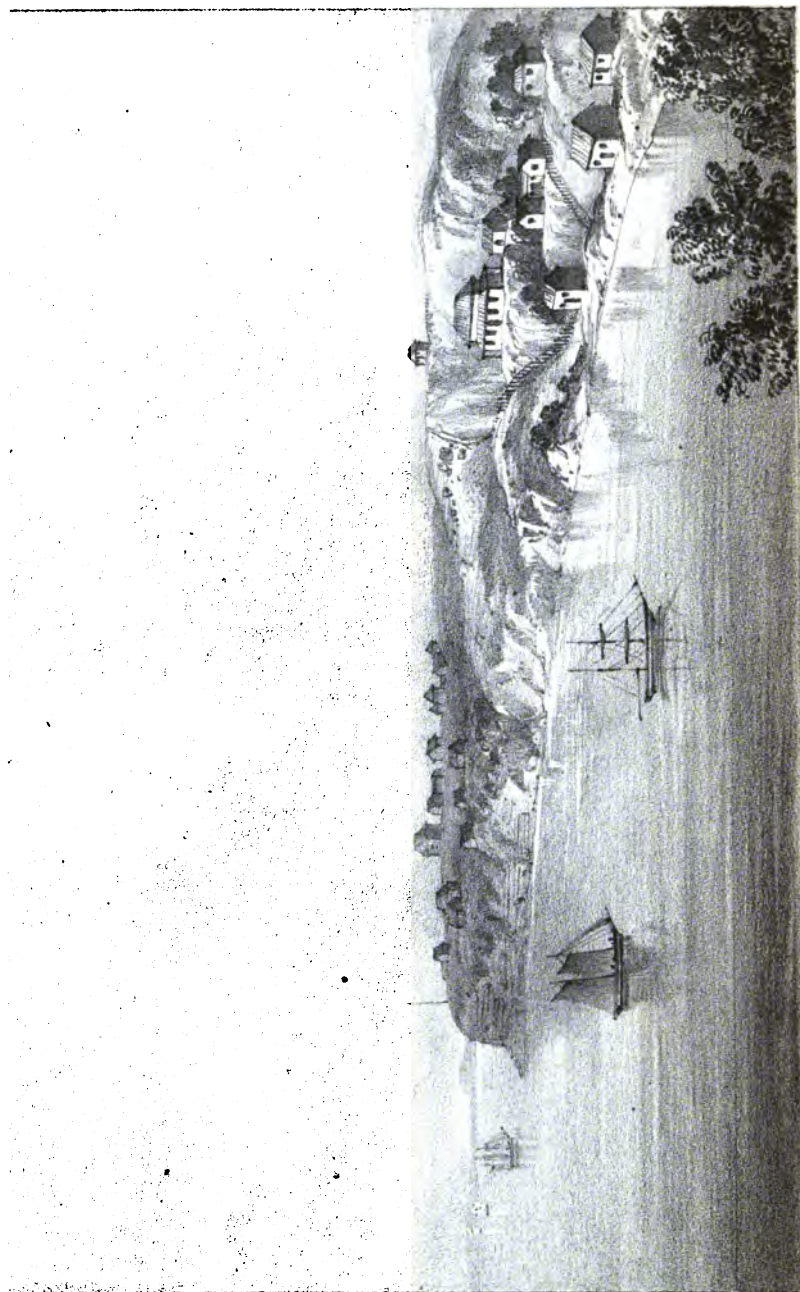
PART III.

ON THE
SALE OF CROWN LANDS
IN
NEW ZEALAND.

PART III.

ON THE
SALE OF CROWN LANDS
IN
NEW ZEALAND.





Drawn on Stone & Engraved by J. Barrett,

AUCKLAND
Commercial Bay, showing the Government & Barracks from the Westward (see p. 231)

J. Barrett, Engraver, Bathurst, 1842

ON THE SALE OF CROWN LANDS.

CHAPTER I.

COLONIAL REGULATION FOR THE SALES OF LAND—FIRST SALE OF TOWN ALLOTMENTS AT AUCKLAND—HIGH PRICES—CAUSE OF HIGH PRICES—LAND JOBBERS—RE-SALE OF TOWN ALLOTMENTS—GOVERNMENT CONTROUL OF SALES—IMPOLICY OF LARGE AREAS—LETTER OF THE SURVEYOR-GENERAL.

As soon as it became publicly known, that the seat of Government for the Colony of New Zealand was fixed on the Waitemata, numerous persons from various parts of the Islands, as well as from Sydney, Van Diemen's Land, and South Australia, congregated at Auckland, the name of the embryo capital, awaiting anxiously for many months the first sale of town allotments.

By a regulation of the acts of Council in New South Wales, of which, at that period, the Colony of New Zealand was a dependency, no land sale can take place in that Colony, or its dependencies, without three months previous notice in the Sydney Government Gazette.

Although the location of Auckland was taken possession of by the Government in September 1840, yet not an acre had then been surveyed; and as the

Surveyor-General was unaccompanied by any assistants on his first arrival, it required some time to project and adapt the ground for a city. Thus, some weeks necessarily elapsed before he had completed a plan of the town, which had to be submitted to Lieut.-Governor Hobson, and subsequently transmitted to Sydney for the approval of his Excellency, Sir George Gipps.

The Lieut.-Governor, in December, 1840, announced in the newspaper published at Kororarika, Bay of Islands, that the sale of town allotments would take place at Auckland, on the 12th March, 1841. This announcement brought at the commencement of the year 1841, increase of numbers from all the adjacent colonies to Auckland; but about a week previous to the date mentioned, the sale was further postponed until the 19th April,—the reason assigned for such postponement being, that the full three months notice in the Sydney Government Gazette would not have expired by the 12th March, the first notice therein being dated 28th December, 1840.

About a week previous to the sale, intelligence was received that the Colony of New Zealand was no longer a dependency of New South Wales, but a separate and independent Colony. This circumstance occasioned great excitement, raised the ideas of persons as to the value of land in the town of Auckland, and diffused the spirit of competition among the persons assembled in great numbers from all parts.

On Monday, the 19th of April, 1841, the first sale of town allotments took place. They were situated principally in Commercial Bay, and on the hill (Shortland Crescent), connecting it with Official Bay. Although three times the number advertised had been surveyed and marked on the plan, yet only 116 lots were submitted to public competition, among numbers, to establish the first city in New Zealand.

The land was put up at 12s. 6d. per perch, and was anticipated to realize from 15s. to 18s. per perch, or at the rate of from £120. to £150. per acre for average allotments; and for some particularly choice situations, £250. per acre.

The first and second lots brought £7. per perch, or the sum of £511. for less than half an acre of land. In the same spirit the sale continued for two days, and one allotment sold for £10. 1s. per perch, and realized £444. for one quarter of an acre, and four perches, being at the rate of £1608. per acre.

The Government officers had the privilege, on their arrival in Auckland, as they were compelled from their official duties to reside there, of selecting any of the town allotments not above, in the opinion of the Surveyor-General, the average value of the allotments in the section in which the selected allotment was situated, and thirteen official gentlemen availed themselves of the privilege.

The following is a correct statement of the sale, with the exact area of each allotment, the purchaser, the price per perch, and the amount paid for each allotment:—

SALE OF TOWN ALLOTMENTS

At AUCKLAND, NEW ULSTER, 19th and 20th April, 1841.

Lot.	Extent.			Price per Perch.		Purchaser.	Amount.		
	a.	r.	p.	£.	s. d.		£.	s.	d.
1	0	0	35	7	0 0	Simmons, Weston, & Co.	245	0	0
2	0	0	38	7	0 0	James Williamson	266	0	0
3	0	1	1	4	6 0	William McDonald	176	6	0
4	0	1	2	4	13 0	Edward Costly	195	6	0
5	0	1	3	4	5 0	Fred. Whittaker	182	5	0
6	0	1	4	4	11 0	Moses Joseph	200	4	0
7	0	1	9	4	0 0	J. C. Crauford	196	0	0
8	0	1	16	4	6 0	J. O. Croker	240	16	0
9	0	1	25	4	19 0	R. Tod	321	15	0
10	0	1	19	5	7 0	Willoughby Shortland	315	13	0
11	0	1	34	4	1 0	Henry Tucker	299	14	0
12	0	1	13	3	0 0	Want & Andrews	159	0	0
13	0	0	32	4	3 0	ditto	128	0	0
14	0	0	32	3	4 0	ditto	102	8	0
15	0	0	32	5	1 0	ditto	161	12	0
16	0	1	4	10	1 0	Robert Tod	442	4	0
17	0	1	4	5	15 0	Moses Joseph	253	0	0
18	0	1	4	4	12 0	William Mason	202	8	0
19	0	2	10	5	0 0	Dudley Sinclair	450	0	0
20	0	2	3	4	6 0	Moses Joseph	365	4	0
21	0	1	34	4	5 0	Brown & Campbell	314	10	0
22	0	1	27	4	14 0	Henry Thompson	314	18	0
23	0	1	20	4	10 0	George Graham	270	0	0
24	0	1	20	4	11 0	Robert Field	273	0	0
25	0	1	14	4	4 0	James Watson	226	16	0
26	0	1	7	3	6 0	Willoughby Shortland	155	2	0
27	0	1	14	3	4 0	Robert Donovan	172	16	0
28	0	1	9	4	7 0	Alex. Kennedy	213	3	0
29	0	1	19	5	0 0	New Zealand Bk. Comp.	295	0	0
30	0	1	19	4	6 0	George Cooper	253	14	0
31	0	1	20	5	6 0	S. A. Wood	318	0	0
32	0	1	32	2	16 0	J. Lord & A. Brown	201	12	0
33	0	1	9	2	19 0	ditto	144	11	0
34	0	1	9	2	11 0	W. Kendall and S. Mark	124	19	0
35	0	1	12	2	11 0	F. Hamilton	135	4	0
36	0	1	16	2	9 0	E. Costly	137	4	0
37	0	1	26	2	0 0	E. O'Neil	132	0	0
38	0	1	36	2	7 0	J. Crauford	178	12	0
39	0	2	5	3	0 0	J. Lord & A. Brown	255	0	0
40	0	1	29	1	17 0	Felton Mathew	127	13	0
41	0	1	32	2	1 0	A. Hepburn	147	12	0

Lot.	Extent.			Price per Perch.			Purchaser.	Amount.		
	a.	r.	p.	£.	s.	d.		£.	s.	d.
42	0	1	5	3	15	0	J. Cunningham -	168	15	0
43	0	1	4	3	3	0	T. F. Dawson -	138	10	0
44	0	1	4	5	4	0	James Coates -	228	16	0
45	0	1	6	4	0	0	Peter Williams -	184	0	0
46	0	1	5	4	15	0	J. Lord & A. Brown -	213	15	0
47	0	1	5	5	1	0	H. Thompson -	227	5	0
48	0	1	5	5	1	0	Felton Mathew -	227	5	0
49	0	1	5	5	1	0	ditto -	227	5	0
50	0	1	5	5	0	0	J. Lord & A. Brown -	225	0	0
51	0	1	5	5	2	0	ditto -	229	10	0
52	0	1	5	5	5	0	J. Craufurd -	236	5	0
53	0	1	8	5	6	0	Heale, Sinclair, & Co. -	254	8	0
54	0	1	7	3	1	0	George Cooper -	143	7	0
55	0	1	7	3	2	0	W. Greenwood -	145	14	0
56	0	1	11	3	15	0	J. Lord & A. Brown -	191	5	0
57	0	1	25	2	4	0	J. Harris & W. Gordon -	143	0	0
58	0	1	30	2	0	0	George Benson -	140	0	0
59	0	1	29	2	3	0	W. Mason -	148	7	0
60	0	1	19	3	1	0	James Coates -	179	19	0
61	0	2	11	1	13	0	John Johnson -	150	3	0
62	0	1	36	1	18	0	James Rule -	144	8	0
63	0	1	31	2	0	0	George Benson -	142	0	0
64	0	2	7	3	1	0	Willoughby Shortland -	265	7	0
65	0	1	25	2	1	0	George Cooper -	133	5	0
66	0	1	31	2	16	0	Dudley Sinclair -	198	16	0
67	0	1	31	2	11	0	Francis Fisher -	181	1	0
68	0	1	9	2	1	0	Robert Wigmore -	100	9	0
69	0	1	32	2	2	0	J. Lord & A. Brown -	151	4	0
70	0	1	32	2	15	0	ditto -	270	0	0
71	0	1	6	3	19	0	J. L. Campbell -	181	14	0
72	0	1	6	3	0	0	George Mitford -	138	0	0
73	0	1	38	3	5	0	Felton Mathew -	253	10	0
74	0	1	38	4	1	0	Willoughby Shortland -	319	16	0
75	0	1	10	5	1	0	W. Goodfellow -	252	10	0
76	0	1	4	3	1	0	W. Buckland -	147	8	0
77	0	1	10	4	0	0	W. Turner -	200	0	0
78	0	1	8	2	15	0	J. Swanson -	132	0	0
79	0	1	8	2	2	0	J. Hellyer -	100	16	0
80	0	1	8	2	0	0	P. Sharkey -	96	0	0
81	0	1	8	2	0	0	W. L. Staudinger -	96	0	0
82	0	1	8	2	17	0	T. Wright -	136	16	0
83	0	1	1	2	12	0	J. Brown -	106	12	0
84	0	1	1	2	18	0	John Johnson -	118	18	0
85	0	1	6	5	5	0	E. McLennan -	241	10	0
86	0	1	17	3	1	0	E. J. Stone -	173	17	0

Lot.	Extent.			Price per Perch.			Purchaser.	Amount.		
	a.	r.	p.	£.	s.	d.		£.	s.	d.
87	0	1	16	3	15	0	Haggard & Pollen	-	210	0 0
88	0	1	14	3	9	0	D. Guilan - -	-	186	6 0
89	0	1	12	2	13	0	ditto - -	-	150	16 0
90	0	1	8	6	1	0	Robert Tod - -	-	290	8 0
91	0	1	5	4	1	0	T. Russell - -	-	182	5 0
92	0	1	5	4	0	0	J. Lord & A. Brown	-	180	0 0
93	0	1	4	5	0	0	Dudley Sinclair -	-	220	0 0
94	0	1	3	4	0	0	J. A. Brown - -	-	172	0 0
95	0	1	3	5	0	0	Heale, Sinclair, & Co.	-	215	0 0
96	0	1	3	3	0	0	Frederick Whittaker	-	129	0 0
97	0	1	3	2	3	0	A. Dingwale - -	-	90	6 0
98	0	1	3	1	14	0	John Nolan - -	-	72	2 0
99	0	1	13	1	16	0	A. Ross - -	-	95	8 0
100	0	0	34	1	9	0	Dudley Sinclair -	-	49	6 0
101	0	0	34	4	4	0	ditto - -	-	142	16 0
102	0	1	0	2	7	0	ditto - -	-	94	0 0
103	0	1	0	2	3	0	ditto - -	-	86	0 0
104	0	1	10	1	18	0	ditto - -	-	95	0 0
105	0	1	7	2	19	0	ditto - -	-	138	13 0
106	0	1	7	2	17	0	J. Lord & A. Brown	-	133	19 0
107	0	1	7	2	10	0	ditto - -	-	117	10 0
108	0	1	7	2	6	0	W. Brown - -	-	108	2 0
109	0	1	7	2	2	0	T. Grenier - -	-	98	14 0
110	0	1	7	2	15	0	J. A. Brown - -	-	129	5 0
111	0	1	7	2	15	0	Robert White - -	-	129	5 0
112	0	1	7	2	0	0	J. Mills & Condon	-	94	0 0
113	0	1	7	2	1	0	J. Brown - -	-	96	14 0
114	0	1	7	3	6	0	Dudley Sinclair -	-	156	2 0
115	0	1	3	3	0	0	G. F. Dawson - -	-	129	0 0
116	0	1	3	3	0	0	G. Mitford - -	-	129	0 0
<u>35 1 7</u>								<u>£21,499 9 0</u>		

Statement of Reserved Allotments selected by Government Officers, to be paid for at the average selling price of the Section on which they are situated.

Extent of Reserve.			Average Price of Section.			Name of Officer.	Amount.		
a.	r.	p.	£.	s.	d.		£.	s.	d.
0	1	34	4	11	9 $\frac{3}{4}$	Willoughby Shortland -	339	14	1 $\frac{1}{2}$
0	1	30	4	11	9 $\frac{3}{4}$	Henry Tucker -	321	7	10 $\frac{1}{2}$
0	0	29 $\frac{1}{2}$	4	1	1 $\frac{3}{4}$	G. Mitford -	119	13	10
0	1	30	2	7	4	John Johnson -	165	13	4
0	1	13	2	7	4	J. Coates and W. Mason	125	8	8
0	2	34	2	19	8	Felton Mathew -	340	2	0
0	2	33	2	19	8	Francis Fisher -	337	2	4
0	1	30	2	19	8	J. J. Symonds -	208	16	8
0	2	31	2	19	8	W. C. Symonds -	331	3	0
0	2	33	2	19	8	Matthew Richmond -	337	2	4
0	1	30	2	19	8	David Rough -	208	16	8
0	1	4	3	4	3 $\frac{3}{4}$	W. Grimstone -	141	7	11
5	3	11					£2,976	8	9

TOTAL SALES.

Lots.		A. R. P.			£. s. d.				
Public Allotments	116	Contents	35	1	7	Amt.	21,499	9	0
Government officers	13	„	5	3	11	„	2,976	8	9
129		41			0	18	£24,475	17	9

The highest price given was - - - £1,608 per acre.
The lowest price - - - - - 235 „
The average of the whole sale was - - - 595 „

These enormous prices, unprecedented in the annals of colonization, excited the greatest surprise. By some, the result of the sale was considered as earnest of the rapid progress and success of Auckland and its vicinity; as well as certain test of the opinion and estimation of the public of the value of property in New Zealand.

The Government congratulated themselves on the large amount to be received into the treasury, anticipating proportionate returns at future sales, and considered the resources of the Colony were thus established. But it is very problematical whether the extraordinary high price of the town allotments will not militate against the rapid progress of Auckland and the ultimate prosperity of the Colony. It may be, that the coffers of the Colonial Treasurer were deeply replenished, but it is equally true, that the majority of the present population of Auckland were proportionately impoverished, by such unexpected large drains and abstraction of their capital. A little reflection and consideration of a few facts will prove that instead of benefitting the permanent and industrious settler, or being the basis of stable increasing revenue to the Government, it has put a forced, consequently fictitious, value on the land in Auckland, and only enriched land jobbers and monopolists—a class of men, until of late years, very little known in the Colonies—men who go from one new settlement to another, as they are formed, for the sole purpose of monopolising, jobbing and enriching themselves at the expense of the poorer yet more industrious emigrant.

The primary cause of this fallacious state of things in Auckland was, the neglect of the Local Government in not submitting more allotments for public competition. It is the bounden duty of Government, to counteract to the utmost, the schemes and operations of land-jobbers, the baneful effects

of whose proceedings are notorious and apparent in the youthful settlements of Adelaide, Port Phillip, and in the mushroom townships and villages daily advertised in the Sydney papers for sale, in various parts of New South Wales. The wants of emigrants and settlers, for land of any description, should be promptly met, or rather anticipated, by Government. By not offering sufficient land for sale, either for public competition or at a fixed price, they become auxiliaries to these land jobbers, and thus capital is abstracted from the Colony, at the expense of the real settler and loss to the Government, for, as the active capital of the colonist is lessened or abstracted, so will be the diminution of the revenue.

Far better for the Colony and for the Government, ultimately, if double the quantity of land had been sold for the same sum. The original cost of the land from the Natives to Government, only a few weeks previously, was, comparatively, nothing ; therefore it was immaterial what quantity they distributed to the public, provided it realized more than the upset price, which is always understood to be its fair value, as well as their expectation of its proceeds. The future prosperity and wealth of a Colony will not arise, or be produced, from a high price primarily paid for the land, either in the towns or in the country. Common sense and experience, through all time, prove the reverse to be the truth.

That the land should be actually given away is not here contended, although it may be observed

that gratuitous grants of land to enterprising settlers in the colonies of New South Wales, Van Diemen's Land and Canada, have tended to increase rather than diminish the general prosperity of the Colony.

Let the Government receive fair, but not immoderate, compensation for their right in the soil, so that, in the towns, the necessities of life are not daily taxed, to pay for high rents, occasioned by the enormous sums paid to Government, by their injudicious management of the public sales, or to land jobbers for town allotments; and in the country so that the farmers may expend their capital in cultivating the land and bringing it into abundant and cheap production.

In addition to this primary cause, it must be remembered, that persons had arrived during the preceding seven months from New South Wales, Hobart Town, Adelaide, and various other parts of New Zealand, with the determination of establishing themselves permanently at Auckland, as merchants, storekeepers, &c.

Previous to the sale all persons, not in the service of the Government, were forbidden to land and locate, either in Official, Mechanics Bay, or any other place, except Commercial Bay, the spot of the first allotments: consequently the whole of the settlers had temporary native huts or tents, with all their property and merchandize surrounding their dwellings. Although it may be said that the high prices paid for the town allotments were voluntary, yet with these persons, who had come from afar to

make Auckland their abiding place, there was but one alternative, either to buy at any price, or leave,—and then it became a mere question of the amount of loss, or sinking of capital, by either leaving the Colony altogether, or by purchase of an allotment at an exorbitant price.

Further was assembled the phalanx of land jobbers, attracted by the hopes, from the limited number of allotments, and the greater number, in proportion, of settlers, that by the power of their purses they should reap a golden harvest. These men are conversant with colonial affairs, and generally consist of two classes—one, being possessed of real property, and who for what they purchase can actually pay and hold;—the other, a class of adventurers, with scarcely any means, who if they can muster the deposit of ten per cent, trust to the chance of re-selling, by division and sub-division of their allotments, at a good profit, before the month expires, for the payment of the balance of the purchase money.

Another impulse to competition was given by the fact of the impossibility of another sale, however great the demand, by the arrival of settlers, for town allotments, taking place under six months, from the necessary promulgation in the Sydney Government Gazette.

All these circumstances occasioned the extraordinary result; but as might have been anticipated from such prices, which at the time seemed to paralyse with astonishment the majority of persons assembled, the greater number, sixty-eight allotments,

were purchased on speculation, and only forty-eight by actual occupants. In a few days, subsequent to the Government sale, began the resale of allotments, sub-divided into small areas, merely sufficient for a house and shop, and those who could not afford to purchase a plot, that would have given them a house and garden, were compelled to give a large profit to the original purchaser for a piece of ground according to their means.

At this first sale, it would have been far more productive to the Land Revenue, if the town allotments had been half the area, and would equally have militated against the operations of the land speculators.

A quarter of an acre in the centre of a town, particularly a sea port, is more than sufficient for any shipping or commercial establishment, however large, and much smaller area than an eighth of an acre is sufficient for stores and shops in the streets close to the beach, at which all the trade of the place is transacted. It must be remembered that the earliest real settlers in the new towns of the infant Colonies are persons engaged in trade, storekeeping, &c. whose capital is limited and absorbed in their stock.

These persons cannot afford two or three hundred pounds of their capital to sink, in ground rent, which the purchase money is, in fact,—for a small area, in addition to the further expense and outlay of capital, in erecting a dwelling, &c. Consequently, if the same area of land, sold by the Government in 116 allotments, had been divided into three hundred, the

persons who were compelled to buy, subsequently, of land jobbers, a portion of an allotment, at an advanced price, would have been original purchasers of Government, and the difference in amount would have accrued to the Government instead of others.

In Auckland, of the town allotments sold—all except seven exceeded a quarter—very many three-eighths—and ten above half an acre.

At all public sales of Crown Lands in the Australian Colonies, the Government reserve to themselves certain powers, which most effectually prevent any sudden or unexpected depreciation of value or sale at low prices. The Colonial Treasurer has the power of not only fixing the upset price in the Gazette, previous to the sale—but likewise of altering it, at the time of, and during, the sale.

At the sale of town allotments at Auckland, the upset price advertised in the Gazette for some months was *ten* shillings per perch. When the auctioneer read the conditions at the day of sale, he announced the upset price to be twelve shillings and sixpence per perch. The Colonial Treasurer has likewise the power of stopping the sale altogether, at any time, if he should think that there is a combination among the buyers, or the prices do not equal his expectation.

Thus Government are sufficiently protected, whatever the number of lots might be submitted to public competition ; it is obvious, therefore, that a surplus rather than a limited number would be most produc-

tive to the Government, as well as less impoverishing to the majority of the settlers.

Another great and irremediable evil, has resulted from such large injudicious areas which also, might have been prevented by Government.

In the plan of the Surveyor-General, each allotment had access to it, in the rear, by a lane. The intent was to preserve the uniformity of the principal streets, by enabling the occupier to bring merchandize, &c. into his store, without making gateways, across the footpaths, in the front of the premises.

The allotments were not squares but parallelograms, with frontages of one chain—66 feet to a street, with great depth, extending to the back lane.

The consequence has been, that experienced Land Jobbers bought two adjoining allotments—then by taking six or eight feet from the frontage, of each in the centre, to the principal street, made a narrow street, directly through both to the lane. This plan not only gives two frontages, in some instances, above three hundred feet in length each—but it also makes two *corner* allotments, which are always considered extremely valuable. This small street would sub-divide into forty allotments, each thirty feet square, and are sold or let to mechanics and labourers, realizing to the original purchaser enormous profits. But this has caused the principal streets of Auckland to be intersected by narrow lanes and alleys, and will quite prevent the uniformity and beauty of the town.

To ensure the progressive and uniform building of a town to the original plan, it is therefore evident that the allotments should not be of such magnitude as to be capable of, or profitable by, alteration, and further, it should be one condition of the sale, that every allotment should be enclosed within a short time ; some building erected within a further period, and any breach of such stipulations should be liable to a heavy fine in the first instance, and a further tax for every subsequent month.

It is a practice with the experienced trafficker in land, as there is no such enactment, purposely to leave his ground unenclosed, for if the allotments on each side are bought by actual settlers, he is saved the expense of enclosure on the two longest boundaries of his area. Under the present system, the allotments bought on speculation, which, as at Auckland, are generally the greater number, remain unenclosed and unoccupied, waiting for the period of increased value ; and thus the places intended to be well defined lines and uniform streets, are merely a number of houses, placed without order or regularity, with intervening spaces, which become roads and foot-paths to more distant dwellings.

For some months there had been urgent enquiries for country land, either to purchase at a fixed price, or to take occupation, to run the risk of competition at public sale ; but the Surveyor General's staff was so few that no country land, it was stated by Government, could be offered for sale before the month of July.

This inefficiency of the surveying department was most injurious to the settlers at large, as well as to the Government. The Surveyor General, Felton Mathew, Esq. was fully sensible of the evils consequent, as will be seen by the following extract from his letter to the Colonial Secretary, which is here given, as his profession imparts value to his observations, and his accurate description of the country, and of the class of emigrants to whom it is more particularly adapted.

" Russell, 2nd September, 1840.

" I feel it a duty incumbent upon me, previous to my departure for the Thames, to request that you will have the goodness to direct the attention of his Excellency the Lieutenant-Governor, to the very defective and insufficient means provided for carrying on the duties of a Survey Department in this Colony.

" In a country such as this, where the demands for land are likely to be so numerous and extensive, and where the local difficulties are of a nature so trying and severe, it is not to be expected that the labours of a solitary individual, however well directed his efforts, or however strenuous his exertions, can be attended with any important results, or in any degree keep pace with the wants of a daily increasing community; in a country too, which from its very nature must become almost an agricultural one, and whose resources can only be developed by a numerous labouring agricultural population.

" I need scarcely observe that in a country so

remarkably deficient in natural pasture, as to present in its primitive state, the most scanty supply for the food of animals, even in the most favoured situations, and over many extensive tracts of country, not a blade of vegetation on which sheep or cattle could subsist, the class of emigrants whose labours will be most valuable, consist of those who, possessing a small capital, will seek to locate themselves on farms of moderate extent, which they will cultivate and improve by their own exertions, aided perhaps by three or four labourers.

“The public attention has of late, in the agricultural districts of England, been so strongly directed to New Zealand, that numbers of people of this description will, I have no doubt, ere long be flocking to these shores; and when I consider the utter want of a survey force, adequate even to meet the most ordinary demand for land on this Colony, I confess that I cannot but entertain the most serious apprehensions for the result.

“Emigrants of small capital, finding on their arrival that no provision is made for supplying their wants, and that little probability exists of their attaining the object they have in view, will either quit the country in disgust, for the less genial soil and climate of Australia, or if induced to linger on, in hope that their wants may be supplied, will speedily expend that capital which ought to be employed in improving their own condition, and in bringing into play the resources of the country. My attention has been the more forcibly attracted to this subject from the

circumstance of several cases, such as I have alluded to, having recently fallen within the scope of my own observation, in which, parties who came hither with every intention of settling on the land, and in hope of finding immediate employment for their capital, in agricultural pursuits, finding that there was no prospect of their being able to obtain land for an indefinite period, have quitted the country disappointed."





Drawn and Engraved by P. G. G. G.

S. North, Colver, Bedford St.

AUCKLAND.

Commercial Bay from the Eastward (see p. 131)

Published by T and W Boone, London, 1842

CHAPTER II.

SALE OF COUNTRY LANDS—NECESSITY OF SETTLERS OBTAINING LAND WITH FACILITY—INJUSTICE OF RESERVATION OF LAND—NATURE OF COUNTRY ALLOTMENTS—SALE OF GOVERNMENT LAND—IMPOLICY OF LARGE ALLOTMENTS—FORMATION OF VILLAGES AND TOWNS—SYSTEM IN NEW SOUTH WALES.

IN the month of April, notice was given in the Sydney Government Gazette, of the sale of Crown land in SUBURBAN and CULTIVATION allotments, in the vicinity of Auckland, for the 12th July 1841, but on the 24th June, notice was given in the New Zealand Government Gazette, published at Korarika, that such sale was postponed until Wednesday, the first September following. The quantity of Crown lands then advertised was increased by the addition of fifty-four SMALL FARMS, forty-two of which were from five to twenty acres, and the remainder fifty acres each. The suburban allotments were twenty of four acres, and the cultivation ten of three acres each, making the total quantity of land offered for sale, only, twelve hundred and seventy-five acres.

At the time of sale, in September, 1841, the Government had been on the shores of the Waitemata twelve months, and yet there was not an acre of country land, either occupied or in cultivation.

By this delay and postponement of the sale of country lands, when there was not an acre either

in occupation or cultivation, all prospect was prevented to the settlers and inhabitants of Auckland, of any supply of vegetables or grain, for at least eighteen months longer from that period, as it was impossible that any land, all being covered with fern or wood, could be brought into cultivation—September being in New Zealand, the corresponding season to March in England, much more of production—before the summer and autumn, January to April, of 1843.

The facility of settlers, in any colony, obtaining country land immediately on their arrival, at a low uniform rate of cost, is an obvious indispensable measure for the benefit of the whole Colony. If the land were given to them, it would ultimately be more conducive to the interests of the Government and Colony; considering that the real intent of emigration to such a Colony, is to provide for those, whose only capital, speaking comparatively, is their labour and industry, and who, by the course of events, have become surplus labour at home.

Looking back to the foundation and progress of the ancient, and now most important Colonies to Great Britain, nearer to it:--the sale of land at any time was unknown. To induce the emigrant to leave his native country and endure privation, the land was a boon, and thus he was enabled to expend, what little funds he possessed, on the soil to which his future industry was to be devoted.

Emigration and Colonization have been considered for many years past, as not only a relief to

the parent state from the onerous charge, which a surplus and unemployed population must necessarily entail on the more fortunate and wealthy classes of a community, but likewise as opening fresh sources and channels for the employment of the shipping of Great Britain, and for the export and consumption of her various manufactures. If such be the fact, the emigrant is entitled to every consideration and protection from the Home Government.

It may be urged that the circumstances of the colonization of the Islands of New Zealand are totally different from any other previous Colony, inasmuch as the Government have to pay the Natives for whatever land the former, now, in the early days of the Colony, have to offer to the first settlers. Giving full weight to such plea, it may be well to sell the town allotments, to the highest bidder, but it is unreasonable, to fix a high upset price in addition to public competition on country lands. To induce the emigration of such persons, as will be in the course of time the most beneficial settlers to the Colony—yeomen of small means, with families, who have left their native land with moderate views and expectations, and who look only to their personal exertions to base the foundations of their immediate comfort and future competence and independence—to induce such persons, the land, if not gratuitously granted, should be sold at a very low fixed price on their arrival, without any unnecessary official impediments or restrictions. In the first formation of a

Colony, the settlers should be encouraged to bring the land into early cultivation, so as to supply the increasing wants of additional numbers. As population thickens, and as surplus of production accumulates, property would be created, and settlers distant from the capital could support towns and villages, at which they could obtain their own wants of clothing and other domestic comforts, as well as supply agricultural produce to their inhabitants. As soon as the Colony becomes populated with farmers and agricultural labourers, so will the site of towns become more valuable and realize large sums to the Government. It is the farmers and peasantry in the country that support the villages and towns by their produce, or by the returns for it; therefore, allotments for towns will be more valuable when the country is actually occupied.

When the Surveyor-General's plan of the country land for public sale was ready, and the land described and defined for inspection, it was apparent that more than double the number of acres, than what was advertised for sale, had been surveyed and marked out, but the majority and the best land was reserved for future sale.

This system of reservation, considering the great powers Government have at the time of sale, as previously explained, is highly to be deprecated, as it is unjust and oppressive to the first settlers, who had been so many months waiting for land to cultivate.

If any persons have claim on the Government for consideration, it is those who have undergone all the

hardships and privation naturally consequent on the first formation of a new settlement, and who have been the pioneers for all subsequent emigrants. Instead of being allowed occupation and cultivation of farms, even at a low fixed price, those who had come to the Waitemata for many months previously, to pursue agriculture, were obliged to enter into competition for the few lots of indifferent land that were submitted for public sale, at the enormous upset price of £2 and £3 per acre, or wait for the distant future sale of reserved better lands, if their means would permit, or leave for some other Colony.

The Suburban allotments of about four acres each, are situated to the eastward of, and adjoining to, Mechanics Bay, and extending to the high ground beyond the bay called Mataharehare. Of these suburban, those reserved were the only spots on which were shrubs and trees, such as would render a suburban abode desirable. The others were land covered with very low fern, on clayey ground, a true indication in New Zealand of very poor soil.

The Ten Cultivation, so termed, being adapted for Market Gardens, are situated about one mile to the southward of Mechanics Bay, on low swampy ground under Mount Eden.

The Fifty-four Farms, attracted the greatest interest, situated about two miles south-east from Auckland (see Map); but there were sixty-two other farms of about twenty-three acres each, of most excellent land, situated in the middle of the farms put up for sale, which were reserved. Of those to be sold, the smaller, under twenty acres each, were situated

fronting the intended road to Manakao, and many of them on a spot where the road diverged into two branches, so that some were corner allotments and others had double frontages to these roads, thus forming the very precise areas desired by land jobbers and speculators.

*Account of the Sale of Government Land, on Wednesday,
September 1, 1841.*

TWENTY-FIVE SUBURBAN ALLOTMENTS.

Upset price £20 per Acre.

Lot.	Extent.			Price per Acre.			Purchaser.	Amount.		
	a.	r.	p.	£.	s.	d.		£	s.	d.
1	3	3	29	103	19	0	Dr. Gammie -	408	13	0
2	3	3	0	81	0	0	R. Tod -	303	15	0
3	3	0	9	93	0	0	Guilding -	284	4	7
4	3	3	2	72	0	0	Beveridge -	270	18	0
5	3	3	13	63	0	0	Laurence -	241	7	4
6	3	3	36	24	0	0	Beveridge -	95	8	0
7	3	2	9	21	0	0	Ditto -	74	13	7
8	2	3	37	50	0	0	Stone -	149	6	3
9	3	1	17	21	0	0	Lieutenant Best -	70	9	7
10	3	0	0	27	0	0	Porter -	51	0	0
11	1	3	8	38	0	0	Stone -	68	8	0
12	3	1	7	21	0	0	Porter -	69	3	4
13	3	1	17	53	0	0	Kelly -	178	14	7
14	3	1	23				Not sold -			
15	2	3	18	24	0	0	McGhie -	68	14	0
16	3	3	17				Not sold -			
17	3	3	27							
18	3	3	28	21	0	0	Donovan -	82	8	6
19	2	3	0	28	0	0	Cooper -	77	0	0
20	4	3	17	60	0	0	J. C. Craufurd -	291	7	6
21	5	2	21	22	0	0	McKay -	124	8	9
22	3	1	7							
23	3	3	28				Not sold -			
24	4	0	0							
25	7	1	0							
93 1 10								2910	0	0
63	2	28	Sold.	Average price } per Acre. }			£45 14 3			
22	2	22	Unsold.							

TEN CULTIVATION ALLOTMENTS.—Upset price £10 per Acre.

Lot.	Extent.	Price per Acre.	Purchaser.	Amount.
	<i>a. r. p.</i>	<i>£ s. d.</i>		<i>£. s. d.</i>
1	3 0 0	14 0 0	Porter -	42 0 0
2	3 0 0	13 10 0	Gamble -	40 10 0
3	3 0 0	13 0 0	Hammond -	39 0 0
4	3 0 0	11 0 0	Gamble -	33 0 0
5	3 0 0	12 10 0	Constable -	37 10 0
6	3 0 0	10 10 0	Dargan -	31 10 0
7	3 0 0 }		Not sold -	
8	3 0 0 }			
9	3 0 0	10 10 0	R. Tod -	31 10 0
10	3 0 0	21 0 0	Ditto -	63 0 0
	30 0 0			318 0 0
24	0 0	Sold.	Average price } £13 5 0 per Acre. }	
6	0 0	Unsold.		

FIFTY-FOUR SMALL FARMS.—Upset price £3. per Acre.

Lot.	Extent.	Price per Acre.	Purchaser.	Amount.
	<i>a. r. p.</i>	<i>£. s. d.</i>		<i>£. s. d.</i>
1	11 1 25	0 0 0		
2	9 1 4	3 5 0	Small -	30 2 10
3	9 3 2	3 1 0	Porter -	29 15 6
4	10 0 36	3 3 0	Ditto -	34 11 4
5	9 2 21	6 1 0	J. Scott -	58 5 4
6	9 3 27	6 11 0	Ditto -	64 19 4
7	10 1 12	8 1 0	R. Tod -	83 2 3
8	7 1 26	9 11 0	Small -	70 14 5
9	7 3 13	5 6 0	Pollen -	41 10 0
10	8 1 5	5 9 0	Kennedy -	45 2 8
11	8 2 20	5 0 0	Wood -	43 2 6
12	8 3 20	3 10 0	Graham -	31 1 3
13	9 1 0	3 7 0	McIntosh -	30 19 9
14	9 2 20	3 1 0	Moore -	29 7 0
15	9 3 20	3 6 0	Beveridge -	32 11 9
16	11 0 0	8 9 0	R. Tod -	92 19 0
17	11 0 0	4 0 0	Ditto -	44 0 0
18	11 0 0	3 1 0	Moore -	33 11 0
19	11 0 0	2 16 0	De Moulén -	30 16 0
20	11 0 0	2 10 0	Ditto -	27 10 0
21	11 0 0	2 8 0	Holman -	26 8 0

Lot.	Extent.	Price per Acre.	Purchaser.	Amount.
	a. r. p.	£. s. d.		£. s. d.
22	5 1 15	8 2 0	Greenwood -	43 5 8
23	4 2 22	4 10 0	Woodfield -	20 17 4
24	11 2 28		Not sold	
25	11 2 28			
26	6 0 2	3 1 0	Cummings -	18 6 9
27	7 2 1	2 17 0	Laurence -	21 7 10
28	23 0 16		Not sold	
29	9 0 11	3 2 0	Beveridge -	28 1 10
30	10 2 36	3 0 0	Constable -	32 3 6
31	23 0 16	2 1 0	Donovan -	47 7 3
32	12 1 28	2 4 0	W. C. Symonds	27 6 9
33	8 3 8	3 12 0	Watson -	31 13 7
34	22 0 0	2 16 0	Laurence -	61 12 0
35	20 3 24	2 1 0	Heather -	42 16 10
36	20 3 24	2 3 0	Fisher -	44 18 8
37	20 3 24	2 1 0	Ditto -	42 17 8
38	20 3 24	2 1 0	Ditto -	42 17 8
39	20 3 24	2 1 0	Cooper -	42 17 8
40	20 3 24	2 1 0	Ditto -	42 17 8
41	20 3 24	2 1 0	Ditto -	42 17 8
42	20 3 24	4 0 0	R. Tod -	83 14 0
43 } to } 54 }	600 0 0		Not sold	
	1118 0 29			1598 10 0
	471 0 37	Sold.	Average pr. } per Acre } £3 8 0	
	646 2 32	Unsold.		

The area of the whole allotments offered for sale was 1241 acres, 1 rood, 39 poles, of which only 559 acres, 1 rood, 23 poles, not half, were sold, notwithstanding the anxiety and demand for land. The few suburbans, of any value, from their being close to the town, and of the small farms, from their position between two roads, brought enormous prices, and were purchased by speculators and jobbers.

The twelve largest farms, of fifty acres each, being very indifferent land, and put up at the price of two pounds per acre, did not meet with any purchaser.

The same impolicy and injudicious allotment of the land was as obviously manifest in this, as at the preceding sale, with regard to the size of the allotments, and the number submitted to competition. If the suburban sections were highly valuable from their proximity to the town, for the occupation and erection of both houses, villas, and cottages with gardens, an area of three to five acres was far too much. For such purposes, one or half an acre, in such a climate, would be ample for a suburban abode, and its appurtenances of garden, &c. and those who wished for larger extent could have purchased more than one allotment. From the nature and quality of the soil, and the absence of all timber, the land itself was of no value, but what could be attached to it, from its contiguity to Auckland for the purposes mentioned, and where, like many suburban spots in the vicinity of London, and other large English towns, a natural sterile clayey soil, is transformed, by manure and other artificial means, into productive garden and pleasure grounds. If it was anticipated that a high price would result from this cause, the impolicy of such large sections is most clear. The upset price of £20. per acre, for such bad soil, and for land on which there was no timber for fencing, proved that the Government did not anticipate their appropriation to agricultural purposes, therefore the large area and high upset

price, placed the competition and purchase entirely with speculators and land jobbers, and quite precluded all of moderate and small capital, desirous of a suburban residence, and who would willingly have given £25. or £50. for half an acre, but whose means prevented the first purchase, at an expense of £300. or £400. for four acres of farm land, without any natural boundary or fence, exclusive of the great expense, subsequently, of enclosing and bringing it into cultivation.

The farms shew the very same results as the suburban sections, for those of such area, as to be really applicable and useful for agricultural purposes, did not sell on account of the high upset price of £2. per acre. Those that were sold brought prices, not in ratio of the value of the soil itself, but on account of their frontage to a proposed high road from Auckland to Manakao.

The consequence and real effect of this impolitic system, was evident within three days subsequent to the sale, when there were no less than four suburban sections advertised for sale as villages, terraces, &c. What the Government conceived to be only sufficient for one, was divided into thirty-six allotments, which was thus metamorphosed into the village of "*Parnell*." Another suburban allotment formed "*Windsor Terrace*," and others formed into lanes, and all put up for re-sale at a price per foot according to frontage. Some of the small farms were simultaneously appropriated to similar purposes, with all the *charlatanerie* of New South Wales.

The towns of "*Anna*," "*Epsom*," &c. with reserves for churches, market places, hippodromes, with crescents, terraces, and streets, named after heroes and statesmen, were then advertised, with all the technical jargon, with which colonial advertisements are characterised.

The town of *Anna* comprised about forty-two acres,—had reserve for *two* churches—" *St. Anna*" and "*St. Pauls*," a hippodrome in the centre of the town, reservoirs, market place, and a multitude of terraces, streets and places, at right angles, the whole divided into above *two hundred* allotments.

This colonial system of land jobbing cannot be better described, than by an extract from a letter of a resident in New South Wales.

" We have seen in too many instances the fate of mushroom townships. These itinerant speculators, which many of them are, appear very plausible, and gulling many, enrich a few, and really when hung up in the auctioneer's room, the plans look quite beautiful, every thing is so complete. There is the green market-place, and the parish church reserve, with a miniature of *St. Paul's* upon it, and the Roman Catholic reserve, with a neat crowquill likeness of *St. Peter's*, and the delicately tinted squares, &c. All this combination of colouring, makes a very handsome thriving town; and when we see some hundred acres already occupied in magnificent business streets, crescents and squares, we are tempted to part with a few pounds, a mere bagatelle, to secure a valuable "*corner allotment*," in so ex-

tensive a place ; and delighted with our bargains, as we are paying down the money, the auctioneer consummates our happiness, by whispering to us in a confidential manner : “ *You have got the best bargain sold to-day, why that ‘ corner allotment ’ is invaluable for an Inn.* ”

“ But those who are not easily gulled, know very well that this comforting intelligence is given to each purchaser in turn, and is, probably, the most valuable return he gets, or ever will get for his money.

“ I was riding the other day through a part of the bush with another gentleman, who, when he came to the top of a stony barren range, pointed out to me the boundaries of several one hundred acre farms, which had been sold a short time previously, in an auctioneer’s room, as suburban farms to a *township*, to which we should soon come. At the bottom of the range, we found the ground dotted in all directions, by painted little pegs, lettered, which constituted the town, and by which we soon discovered the various streets and crescents, which had been cutting so grand a figure in the advertisements and plans. This was the only indication of a township, which we saw, and from the locality, I should be decidedly of opinion that no other was ever likely to be seen, as nothing more than a few occasional drays to a few stations upon a bare brook, (which in the advertisements was stated to be likely to become one day a navigable river,) at present traffic along the bush road. This township and these suburban

allotments, were marked off from a part of an estate, because it was not fit for any other purpose. It could not grow grass for cattle or sheep, and cultivation was out of the question, so what could the proprietor do else with it, than sell it as a township."

Precisely so was it at Auckland. In the auctioneer's room, whatever inequalities swamps and scrub might be on the land itself, all was smooth and beautiful on the plans, which plans were not made from actual measurement and survey of the ground, for the few days that had passed quite prevented any such proceeding; but merely the boundaries and limits taken from the Surveyor-General's plan, and then, on an enlarged scale, the area divided into as many portions as could just be sufficient for small houses and cottages, and thus creating an immense extent of *frontages*, which is the great secret of land jobbing in the re-selling of allotments.

CHAPTER III.

NECESSITY FOR RESTRICTIONS ON RE-SALES OF LAND — IMPORTANCE OF MEASURES AS REGARDS THE SALE OF CROWN LANDS — DIFFERENCE BETWEEN NEW ZEALANDERS AND OTHER NATIVES — EFFECT OF LAND CLAIMS ON SALES OF CROWN LANDS — COMPETITION OF NEW ZEALAND COMPANY IN SALES OF LAND—NEW ZEALAND COMPARED WITH UPPER CANADA — DOUBTS OF ANY FUNDS FROM SALES OF CROWN LANDS FOR EMIGRATION.

THE details of these two fresh sales by Government are minutely given, in order to explain the baneful system which has, in a great measure, brought New South Wales into its present state, and likewise that emigrants, intending to proceed to New Zealand, may fully understand, and be on their guard, against such chicanery and delusion. Within a fortnight from the last sale, there were not less than ten towns and villages advertised, all on one line of intended road, within two miles of Auckland; but not to any one of which was there any access or the least sign of survey or location. It must be remembered, also,—but on which subject the auctioneer and seller are ever silent,—that all the churches, market-places, streets and roads, to these mushroom towns and villages, so temptingly depicted in the plans, are to be built and made, and that at the expense of the inhabitants, so that a

poor unwary purchaser, who expends some few pounds for an estate of forty feet by one hundred feet, the general size, discovers, when seeking for possession, that he can scarcely find it, and when found, that he is in the wilderness instead of a town, and that there is neither road, dwelling, nor enclosure near it.

It may be urged, that it is impossible to prevent any purchaser of land from re-selling it, at any time, or in any way he thinks fit; but, on the other hand, it is contended, that the Government should prevent the settlers from being thus obliged to pay a high price for small pieces of land, by selling a greater number and smaller allotments of Crown lands, at certain periods, as in Canada, and then the Government could, especially in the early days of the Colony, prohibit the subdivision of any land under certain area, within a given distance of the city of Auckland, or any other principal town, for a limited number of years, more especially while there is no surplus population to occupy so many dwellings and spots as these subdivisions create.

If towns and villages, such as described, and which are now attempting to be established, round the principal city, in the early stages of the Colony, are allowed on every three acre suburban, and ten acre farm allotment, that is sold in the first instance by Government, the country round Auckland will be very soon covered with road side inns and grog houses of the lowest description, surrounded by a few dirty hovels, inhabited by the worst of charac-

ters, and called the village of *Epsom, Parnell, &c.*, and serving, as the rendezvous and abode, for all agrarian idlers and reprobates.

The localities for the towns, more especially, should be wholly in the hands of Government. When, from the number of farmers and settlers in any particular district a town may be considered essential, from their distance from the capital, and an eligible spot presents itself for such purpose, the Surveyor-General should then decide and fix the plan as to area, churches, &c., so that some consistency as to size, and uniformity as to building, should be observed.

The Government should have the benefit of the sale of the land in these small divisions, so as to increase the fund for the supply of emigration labour, and the settlers would more cheerfully and liberally pay for land to the Government, knowing that they were so obtaining future supply of labour, than to the land speculator, who only aggrandizes himself, without contributing in the least to the welfare of the Colony.

With respect to all suburban and farming allotments, which may hereafter be sold by public competition, or at an uniform fixed price, the Government should not only protect themselves, but also the actual industrious settler, from the schemes of land jobbers and monopolists, by a Legislative enactment; that all lands, unless enclosed and cultivated—the former being in a short period, and the latter within a given time—should be subject to a fine, in the

first instance, and subsequently to an annual tax per acre, increasing with time until, under cultivation.

The sale of Crown lands in New Zealand is a subject of most momentous and important interest, inasmuch that the Colony, with respect to the land, is totally different from any other Colony yet taken possession of by Great Britain. The more this subject is considered, in all its bearings and contingencies, the more evident will it be, that the future success and prosperity of New Zealand, will wholly depend on the measures adopted in the adjustment of the claims to grants of lands, by right of alleged purchase from the natives, and the sales or grants of Crown lands.

In all other Colonies, the right to the soil has been acquired, either by conquest, or by right of discovery. In settlements conquered, where there have been inhabitants, private property has been respected ; but all waste lands have become, as in Canada, absolutely the property of the Crown.

The Australian Colonies of New South Wales and Van Diemen's Land, it may be imagined, are similar to New Zealand, being by right of discovery, but they are quite the reverse. The British Government established its sovereignty in January, 1840, by the concession of the native chiefs, and although it claims priority of discovery to the two southern islands, yet it has not been given absolute right to, or possession of, the soil.

The Marquis of Normanby's instructions to Captain Hobson, clearly prove that the British Government, in assuming the sovereignty, by concession of the

native chiefs, and taking possession of the three islands, considered the Colony quite in a new light, and contradistinguished from all others.

“ The Queen, in common with her Majesty’s predecessor, disclaims for herself and subjects, every pretension to seize on the islands of New Zealand, unless the free and intelligent consent of the natives, expressed according to their established usages, shall be first obtained. You will, therefore, frankly and unreservedly explain to the natives or their chiefs, the reasons which should urge them to acquiesce in the proposals you will make to them.

“ It is not, however, to the mere recognition of the sovereign authority of the Queen, that your endeavours are to be confined, or your negotiations directed. It is further necessary that the chiefs should be induced, if possible, to contract with you, as respecting her Majesty, that henceforward no lands shall be ceded either gratuitously or otherwise, except to the Crown of Great Britain.

“ Having by these means, obviated the dangers of the acquisitions of large tracts of country by mere land jobbers, it will be your duty to obtain, by fair and equal contracts with the natives, the cession to the Crown of such waste lands, as may be progressively required for the occupation of settlers resorting to New Zealand. All such contracts, should be made by yourself, through the intervention of an officer, expressly appointed to watch over the interests of the Aborigines as their protector.”

The British Government having so long delayed

exercising their right of discovery, may have, in some measure, occasioned the subsequent peculiar circumstances ; but it must be remembered that there is in New Zealand a great native population, and that of a different character to the generality of savage tribes, and also that this population are inhabitants of islands, and not natives on a large continent.

The American and Canadian Indian is a hunter, ranging the woods for his subsistence, and when the stranger settles on his lands, he retires to the backwoods. To him such forest is a home, and like the animals he hunts, he shuns civilized man, and migrates further into distant wilds.

Far different is the New Zealander. He is no hunter, he dwells where he was born, on the land of his forefathers, cultivates his ground for kumeras and potatoes, which, with fishing, furnish his subsistence. This necessity to cultivate the soil for his daily food, restrains him from being a wanderer in his native wilds, and thus, in the course of time, have the natives in New Zealand been divided into so many tribes, as they increased in numbers, and their wants compelling them to separate, and cultivate distant spots of land, each the distinct and exclusive property of the tribe in possession.

To have obtained, therefore, possession of the whole of the land, must, and could only be effected by extermination of the Aborigines ; for there are no back settlements, as in New South Wales, to which they could retire—and a proceeding similar to that pursued in Van Diemen's Land is quite impracticable, on account of their numbers.

The course pursued by the British Government was as humane as it was honest and wise, namely, sovereignty of the North Island, by concession, from such chiefs who had imagined that the acknowledgment of a New Zealand flag had yielded the right of discovery—and sovereignty of the Middle and Southern Islands, by right of discovery—and possession, by purchase of all such lands as the Natives would abrogate, with guarantee of proprietary of all such districts as the Natives wished to reserve for themselves.

Hence, therefore, it is evident, that whatever lands the Government may have to distribute to emigrants and settlers must be purchased from the Natives, and although the compensation given may be very small in proportion to the land acquired, yet it shews a different state of things to New South Wales and the neighbouring Australian colonies.

In Upper Canada, the British Government purchased large tracts of land from the Indians in 1818 and 1819, comprising Lake Huron, the Rice Lake, the Mississagua, the Long Wood, and the Mohawk, being 4,680,390 acres; but such purchases may be considered as out of the boundaries of the right by conquest of Canada from the French, and therefore liable to be purchased by, and annexed to, the United States, consequently it bears no analogy to the Colony of New Zealand.

The next peculiar circumstance affecting the future sale of Crown lands in New Zealand is the *Land Claims*. This subject has been explained fully

in a former part of these pages. It is mentioned here, only so far as connected with, and affecting the value and sale of Crown lands. Of these claims very many are just, and must be admitted, more especially those of early settlers. This result will throw into the market much land, and that of the most valuable description, whether covered with timber or for agricultural purposes, as well as being in very excellent situations. Those who came some years since into the Colony, selected before they fixed on their location, as it was for their future home, and these settlers are generally found in most advantageous spots, on the banks of some beautiful river, on rich soil, with easy communication to all other parts by boats and shipping.

Moreover, many of these early claims will be entitled to the maximum grant of 2,560 acres. Very many more will receive large grants, on account of the early date of their purchase from the Natives—and on the whole, there will and must be conceded and allowed by the Commissioners, a very great area of land. These awards of land in New Zealand will be far beyond the wants—and, in fact, beyond the means—of most individuals to enclose and cultivate. Those persons, who settled some years since, depended chiefly on their own labour and the assistance of the neighbouring Natives, for the cultivation of the small portion of ground necessary and capable of supplying their wants of vegetables, &c. They will be very desirous to induce new emigrants to settle near them, and they will be very willing to

dispose of a portion of their land for very moderate compensation, looking forward to the advantages of forming a small community in their neighbourhood, and to the reciprocal benefits and courtesies of social life.

To a man located on the borders of a river, isolated, with only casual intercourse with the small craft who frequent the coast on trading expeditions, the opportunity and advantage of securing a few neighbours would be endeavoured to be obtained at some personal sacrifice; but when it can be acquired to his pecuniary profit, in addition to the other advantages, it is natural to presume that no small exertion will be made. The price of the land per acre to the early settlers will be, by the table of valuation of the Land Commissioners, very small, and consequently, it will enable them to resell the excess beyond what they themselves require, at a very low price to new settlers—and by disposal of a portion, the part reserved by themselves becomes more valuable, and thus they will become most active and formidable competitors with Government in the sale of lands.

In addition to these circumstances, must be added another rival to Government in the sale of land—the New Zealand Company—whose enlarged views, backed by immense capital, will tend to increase the number of emigrants to New Zealand, and likewise influence greatly the value and sale of Crown lands.

Notwithstanding the present great interest excited towards New Zealand in England, as one of the

most desirable, and almost unparalleled countries for emigration ; the facts as to its real resources and true advantages,—the expense and privation which an emigrant must incur in reaching the antipodean Colony, and, when arrived, the cost of the land,—will lead to comparison with the other Colonies open to the poor, yet industrious, enterprising emigrant.

Much nearer to England, and in a climate quite as healthy, and with a soil as fertile and productive as New Zealand, is Upper Canada. The temperature corresponds with that of New Zealand, allowing 7° for the difference of the hemisphere ; Upper Canada being between 42° and 50° north, and New Zealand between 34° and 48° south latitude.

The winter, it is true, in the former, is longer and accompanied with frost and snow ; but the temperature is never much below freezing point, and the climate is healthful and dry. In New Zealand, although the winter season is not attended with such very severe or long frosts, yet it is with heavy continual rains.

The other seasons in Canada are beautiful, and the fertility of the soil is rendered prolific by the warmth of the summer. Wheat is the staple, and all kinds of European fruit, and vegetables, produce most abundantly. Forests of oak, pine, cedar, ash, beech, spruce, &c. are every where numerous, and copper and iron are abundant in very various parts. Labour is cheap, and so are all the necessities of life. The rivers and lakes afford cheap transport and communication, and added to all these advantages

the land can be easily obtained at a low price, with some time allowed for payment.

It is true that the land is now sold by auction, but the sales are so regular and frequent that they completely counteract any land jobbing.

The sales take place every first and third Tuesday, once a fortnight, in each month, in different districts. There is an upset price, and the conditions are 20 per cent. deposit, and the balance paid at three equal annual instalments, bearing 6 per cent. interest.

The prices realized by Government have been from four to twelve shillings per acre. The average of all Crown lands sold in 1836, in Upper Canada, was nine shillings per acre, with the credit of three years.

If the fund for Government emigration to New Zealand is to be raised and supported by the sales of Crown lands alone, it is very doubtful whether, as soon as the land claims are settled, there will be any proceeds for such purpose, and most assuredly there will not, if the price of the country land is fixed at a high rate, or if it is submitted to public competition.

All these facts will clearly point out the various circumstances, connected with the titles to land and property in New Zealand, and will likewise prove how necessary and incumbent it will be on the Government to establish a consistent and judicious system for the sale of Crown lands.

The town allotments may be sold by public auction,

but they should be in small sections, sufficient for the occupation and purposes of trade of one individual, in streets intended solely for business, and not in large areas, so as to place it in the power of jobbers, and speculators, having capital, to buy up whole streets of large allotments, and then parcel them out in less, yet sufficient dimensions, and realize enormous profit, to the loss of Government, and at the expense of the industrious settler of more limited means.

The farms and country lands are of still more importance, and the greatest encouragement should be offered to the actual cultivators, by giving them every facility to obtain land at a very low fixed rate, if not by gratuitous grants, under certain conditions.

PART IV.

ABORIGINES OF NEW ZEALAND.





drawn on Stone & Engraved by P. Gassiot.

9, North Coleridge Bedford

TE KAUIWAW, CHIEF OF THE NGA TE WHATUA TRIBE. (see p. 35.)

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ABORIGINES OF NEW ZEALAND.

CHAPTER I.

ORIGIN—POPULATION—CAUSES OF DECREASE OF POPULATION
—LANGUAGE—ADDRESS OF THE PROTECTOR TO THE ABO-
RIGINES IN THE NATIVE LANGUAGE—EDUCATION OF THE
NATIVES—MISSIONARIES—ROMAN CATHOLICS—PROTES-
TANT BISHOP AND CLERGYMEN.

THE Aborigines, as regards their Origin, Population, Language, and Character, have been described by various authors, as well as have been the subject of inquiry before Committees of both Houses of Parliament. It is not intended, in these pages, to enter into minute details on these several subjects, but to offer some general observations, more particularly with reference to the present time.

Among the various tribes, throughout the North Island, may be still seen distinct traces of different Asiatic origin, with occasional similitude of complexion and expression, among the higher class of females, to the South American Spaniard. The present generation are certainly a mixed race, well proportioned and athletic, more especially in the interior. On the eastern coast of the Northern Island, about Poverty and Hawkes Bay, the natives are different to other tribes, being shorter in stature, and darker in complexion.

There is abundant evidence to prove, that New Zealand, at some former and not far distant period, was inhabited by a dense population, to which the present numbers bear no comparison, and that the various vast tribes have been greatly diminished, and in some instances utterly annihilated.

Of the precise amount of the present population of the three Islands, there are various opinions. Until the British Government divide the country into districts, and have a census taken, by intelligent persons, their numbers will never be accurately ascertained; for some of each tribe are continually moving about, either in shifting their stations for cultivation, or in visiting other tribes.

Captain Cook calculated the population of the Islands of New Zealand to be about 400,000.

The Rev. W. Williams, by Mr. Coates' evidence, before the Committee of the House of Lords, states the population of the Islands, in 1835, to be, not exceeding, 200,000 natives. The population, on the North Island, he divides as follows:

Kaitaia and the Northern part	.	.	4,000
Hokianga	.	.	6,000
Bay of Islands	.	.	12,000
Waikato	.	.	18,000
Thames	.	.	4,800
Bay of Plenty	.	.	15,600
East Coast from Hicks' to Hawkes' Bay	.	.	27,000
Kapiti and Northern shore of Cook's Straits	.	.	18,000

105,400

But this statement is very much underrated, and seems to have been formed, more with reference to the number of natives, of those tribes who were only in direct communication with the Church Missionary Society, than from any true statistical account of the actual population.

For instance:—In the valley of Kaitaia, on the banks of the Awaroa River, there is one tribe alone,—the *Rarewa*, which numbers above 8,000 natives. The population, under the head of Waikato, if intended to include the whole Western coast, from Manakao, is not sufficient. The Waikato tribe is, of itself, at the present day, the most numerous and formidable in New Zealand. There are also the tribes at Kawia, and on the Waipa River, in which district, extending to the Taupo and Roto Rua Lakes, and around Mount Tongariro, there is an immense population.

The population of the North Island, New Ulster, may be estimated, at nearly 150,000 natives.

Of the Middle Island, New Munster, — very little is known, as to its population; but it is probable, that in the interior, when explored, will be found settlements of natives, who have been driven from the Northern Island by intestine feuds. The Missionaries have never visited the Middle Island; but it is very clear, that the natives of the Northern Island, formerly, must have had frequent intercourse with the Eastern coast of it, to obtain the Green Talc at the Lake "*Wai Poenamoo*," of which their deadly war instrument, the *Meri*, was made.

Henceforth, there is every just reason to anticipate, that the present population, whatever its numbers, will increase in its natural ratio; and the grounds of such supposition are, the removal and extinction, by British colonization, of the causes which have, conjointly, tended to its unnatural decrease.

These causes have arisen from two sources,—some, from the barbarous customs and gross superstitions of the natives,—others, from their food and habits, and consequent diseases.

The former were numerous:—internal wars, in which not only many were killed in action, but prisoners subsequently slaughtered, to satisfy some deadly revenge:—the constant custom of killing slaves, on the slightest provocation and misbehaviour, or from the superstitious idea of avenging, by sacrifice, the death of some near relation or connection of the tribe:—the frequent practice of the crime of infanticide by women:—the abandonment of even dearest relatives, attacked by disease, under the impression of fatalism, that all human aid, in such cases, is useless—without any attempt by care, or even food, to prolong or save life:—and the fatal effects, which have been universally dreaded with horror by the natives, produced by the supposed spell of Witchcraft, or “*Makutu*.”

The other sources were the two diseases, most prevalent and destructive, among the natives—serofula and consumption:—which have been originally induced by their low diet at different seasons,

especially from their practice of gathering the potatoe crops quite in a green state ;—and their constant exposure to the heavy dews and rains, in the bush, with only their native dress.

All these circumstances have, more or less, been the powerful causes of decrease in the population ; but now, it is to be hoped, that they will be wholly counteracted and prevented. Internal warfare among the natives will not be allowed, neither will the life of the poor slave be at the mercy and command of his chief. British laws and customs will insure order and justice, while Christian Religion and Philanthropy will dispel the superstitious errors of the unenlightened savage, and mitigate, if not arrest, the pains and ravages of disease.

Of the New Zealand tongue, it is not intended to endeavour to trace its origin, or to attempt any analysis of its elements, as a language. Indeed, it may be asserted, that the true and correct philology of the language is not yet known, and that what translations from the English have been published in the New Zealand language, have no philological basis, and are not according to any acknowledged rules of grammar, syntax, or prosody.

In the early days of the Missionaries in New Zealand, it is very certain, that they were compelled to be occupied, for a long period, in locating and erecting their dwellings, and cultivating the ground for their daily subsistence. These necessary pursuits occupied the week, and it was only the Sabbath

that could be devoted to religious and scholastic duties, either for themselves or for the Natives.

Moreover, it is well known, that the persons, acting as Missionaries and Catechists, (which latter is synonymous to the former, but only an appellation to distinguish one that is not ordained,) at those periods, were not persons of such education or previous habits, as could qualify them, either to teach, or to learn any language, with correctness or facility. They were all laymen, who had been bred to some handicraft trade, and, on entering the mission, had received some little instruction, at the Central School in Baldwin's Gardens, in England, or at the Government Schools, in New South Wales, in the duties of teachers.

These facts are not stated, with any view of disparagement to those, who were the early members of the Mission, many of whom are now the leading characters of it, and possessors of very large property, as well as of much influence in the Colony; but they are mentioned, to account, (after an intercourse of them, with the Natives, of twenty-six years,) for the little, imperfect, incorrect and unsatisfactory knowledge, at present existing, of the New Zealand language.

The Missionaries, on their first arrival in the islands, were obliged to learn the Native language, and that by rote, from an ignorant, untutored savage, whose knowledge of his own language was confined to speech; for the New Zealanders had, then, no characters, as the Hindoo, Persian, or

Chinese, by which they had been accustomed to convey their ideas, or to record their history and traditions.

The sound, alone, was the guide to the Missionary, for the orthography of words, without any knowledge of the etymology of the language; and hence, the present written language of New Zealand, has, for its sole origin and authors, the Missionaries.

For animals, objects, substances, &c., utterly unknown to the Aborigines, before their intercourse with Europeans, they had, of course, no corresponding words in their language; therefore, the Missionaries have added greatly to the vocabulary, by creating *Maori* words, approximating, frequently, in sound, to the English they are intended to express; but taking care, in the letters and termination, they should assimilate, to—what they conceive to be—the orthographical construction of the Native tongue.

On careful perusal and collation, with the English original, of the various translations of the Scriptures, Gospels, &c., which have issued from the Missionary press, these *addenda* to the Native language will be easily recognized.

These translations, although containing by such method numerous words, apparently of the Native language, are sounds and synonymes quite new and unintelligible to the Native, but he regards and reverences them as mysteries, and receives them as a matter of faith.

In daily intercourse with the Natives, the stranger will be surprised with the similarity to his own language, of such words as *Hipi*, sheep; *Huka*, sugar; *Kuti kuti*, scissors; *Koma*, comb, &c.; all of which are modern creations.

For all ordinary purposes of intercourse with the Natives, sufficient of the language is very soon acquired; but that is merely colloquial, and learnt more by the ear, than with any regard to, or knowledge of, the orthography, much more of any grammatical construction of the language. The best method for a stranger to the country to learn the language, is, to mix frequently with the Natives, many of whom are very intelligent, can read and write their own language, and are always pleased with the wish and endeavour of an European to learn, and equally willing to instruct him. They are very fond of writing, and the stranger should let them write down the words he wishes, and by repeating this with other Natives, and comparing it, he will obtain the true word, and, by attention to their pronunciation, will acquire the correct accent of the dialect.

Some years since, 1820, there was a Grammar and Vocabulary compiled and edited by Professor Lee of Cambridge, and published by the Church Missionary Society, from the information of two New Zealanders, who were brought to England by Mr. Kendall; but, since that period, more extended intercourse with the Natives, has proved it to be incorrect, more especially as regards the alphabet.

An experienced philologist, particularly if well versed in the elements of the Asiatic and Polyneesian languages, might, now that the more intelligent Natives are, in some degree, capable of explaining their primitive tongue, very soon ascertain the true elements and governing principles of the language, so as to found a correct and perfect grammar, &c.

As the Native population increases, this will be a measure indispensable, on the part of the Protectors of Aborigines, if the Natives are to be properly and universally educated, throughout the islands.

An example of the New Zealand language, with its English translation, is given in the following address of Mr. George Clarke, Missionary and Chief Protector of the Aborigines, under the British Government, to the Natives assembled to witness the ceremony of laying the foundation stone of the Metropolitan Church of St. Paul's, at Auckland, by His Excellency Governor Hobson, on the 28th July, 1841.

E AKU HOA MAORI,

MY NATIVE FRIENDS,

Tenei pea etahi o koutou te miharo nei ki te wakaminenga o te Kawana ma Apiha, te minita me era atu Rangatira ano o Akahana, na konei i mea mai ratou ki ahau kia korerotia e

Some of you are doubtless surprised at this great and respectable assembly. His Excellency the Governor, his officers, the clergyman, and the ladies and gentlemen of Auckland, have requested me

ahau ki a koutou nga mea
i huihui ai ratou.

I nga huihuinga o nga
Wakapaparanga o mua o
o koutou : tupima ki to
ratou wakaro he wawai he
patu he aha noa. Ki tenei
wahi pu ano he tini a
koutou wawainga i mua.
Ko ta koutou pai tenei i
mua he huihui ki te wa-
wai, ki te patu, ki te
tahae, a, mehemea e taea
e tenei wenua te korero
te wakapuaki i nga tini i
mahia ki konei ka wiri
pea nga Pakeha nei i te
matakau a ka wakama
hoki koutou.

Otiia, e Hoa ma e
Wakapai atu ana tatou
ki te Atua no te mea kua
wakamahuatia enei mahi
kino kua tahuri etahi o
tatou ki te Atua.

Ka huihui tatou nga
Rangatira Maori, me
nga Rangatira Pakeha
o Akahana, ka wakaae

to explain to you the pur-
pose for which they have
met together.

In former days, when
your forefathers met,
their only object was
that of fighting and de-
stroying each other; per-
haps on this very spot,
many have been your en-
gagements. Your only
pleasure then was in
fighting and killing one
another, and were it pos-
sible for this ground to
speak, and disclose many
bad things that took place
here, these ladies and gen-
tlemen would perhaps
tremble, and you your-
selves would be ashamed.

But, my friends, we
thank God, some of you
have been enabled to for-
sake these evil practices,
and to worship God.

We, the New Zealand,
and English gentlemen
of Auckland, have united
together to build a church

kia hanga tetahi ware in which to worship the
 Karakia hei konei hoki true God.
 huihui ai a muri nei ki
 te Karakiaki te Atua nei.

Na konei hoki i hoatu For this purpose they
 airatou ia ratou moni hei have given money for the
 utu mo te hanganga i erection of this church,
 tenei Ware a he tini nga and large is the sum they
 moni kua kohia e ratou. have collected.

Ko te ingoa o tenei The name of this church
 Hahi ko to "*Paora*" will be St. Paul's, and it
 aka waiho tenei hei ware will remain a place in
 Karakia ki to tatou Atua. which to worship our
 God.

Ka wakatakotoria te- The laying of this stone
 nei Kowatu kei tima- is the commencement or
 tanga koia hoki matou i foundation stone, and we
 karanga ai a koutou kia call you together to see
 huihui mai kia kite i this custom, for this is
 tenei ritenga, e hara hoki by no means a new cus-
 tenei i te ritenga hou. tom.

Na te Atua (i hanga God, who made us
 nei tatou) i mea atu ki te (many years ago,) com-
 Iwi o Iharaia kia hanga manded the tribe of Is-
 e ratou tetahi ware i a rael, to build a house,
 ratou e kopiko haere ana while they were wan-
 i te koraha, e hara taua derers in the desert, but
 ware i te ware tu tonu, that house was not of
 ko tona ahua me te teneti. continual standing, its
 likeness was unto a tent.

Ka tae ratou ki to ra- After they had come

tou kainga a ka atanoho
ratou ka hanga ratou i
tetahi ware Karakia nui.

Ko te Tempara te in-
goa a titiro pai ana te
Atua ki a ratou, wakapai
ana i a ratou mahi pai,
“I ki hoki te ware i
tana kororia;” otiia ka
tahuri ratou ki te kino
ka pa mai te riri o te
Atua a ka heke haere
ratou.

E wehi ana hoki matou
e Hoa ma kei riri mai te
Atua nui ki a tatou e
inoi atu ana ki a ia kia
titiro aroha mai ki a ta-
tou: i penei hoki o matou
tupuna.

Kia matou, he ra nui
tenei, he ra e hari ai o
matou ngakau, a kua
karangatia koutou kia
hari tahi ai tatou e hiahia
ana matou kia rite tahi
to tatou wakaaro ki to
tatou Atua nui e hiahia
ana hoki matou, kia
aroha tahi tatou ki a ia
ki to tatou Kuini hoki kia

to their resting place,
and sat quietly, they built
a large place of worship.

The Temple was its
name, and God was well
pleased with them, and
praised their works,
“and the house was
filled with his glory,”
but they turned to their
evil ways, and the anger
of God came down upon
them, and they fell away.

We also, my friends,
fear and love this great
God; we would not in-
cur his anger; we ask
him to look kindly upon
us, for this did our fore-
fathers.

To us this day is great,
a day in which our hearts
rejoice, and we call on
you to rejoice with us:
it is our wish that our
thoughts of the Great
God should be one, and
that we should alike love
Him, and our Queen,
that our hearts may be
one.

wakakotahitia o tatou
ngakau.

Ka tahi ano ka hanga This is the first house
he ware Karakia ki tenei of worship erected here,
wahi otiia kia inoi katoa and let us pray to God,
tatou ki te Atua kia wai that many churches may
ware Karakia tatou ki be built here, and in
tenei wahi, ki te tini ano every other Native and
hoki o nga Kainga Maori European settlement.
ma nga Kainga Pakeha.

Heoi ano taku korero This is our speech to
koutou. you.

It is very much to be regretted, that during the many years since the establishment of the Missionaries, on the North Island, that their attention and efforts have not been directed, to teach, generally, the Native youths the English language.

To have taught some of the most intelligent youth English grammatically, when they first arrived among the Aborigines, would, not only have enabled the Missionaries themselves to acquire the Native language, much better and sooner, but would have excited a desire, among all the rising generation, to learn something of a language, the want of which the tribes continually experienced, in their trading transactions with Europeans.

To the elder population, it was necessary to teach and preach, in the Native tongue ; but, by the introduction of the English language, the Missionaries would have more certainly insured the early civiliza-

tion of the natives, and their more ready adaptation, to understand and appreciate the truths and blessings of revealed religion.

In the employment of the Natives, the European ought either to understand *Maori*, or the Native English, but this is very rarely the case, on either side ; hence, misunderstanding, discontent, and not unfrequently unkind feelings and ill will, arising solely from mutual ignorance of each other's language ; therefore it would be beneficial to both parties, that henceforth the Government, through the Protectors, should enforce education of the native children, in English, as well as in their vernacular language. It will be the most certain means of rendering them useful and valuable auxiliaries to the Europeans in every capacity.

As the Bay of Islands, the first settlement of the Church Missionaries, and in which limited district the greater part still reside, became more frequented and populated by Europeans, the influence of the Missionaries over the Natives, commenced and gradually increased, not only from their knowledge of the native language, but from the contrast between the description and class of Europeans resident there, and the peaceful habits and moral conduct of the Missionaries. It is thus, that the Missionaries have certainly effected incalculable benefit, so far as their labours have extended, and have paved the way for more general, and a less expensive system of instruction of the Natives, both in civil obligations and religious doctrines and duties.

But when the enormous sums, expended by the Church Missionary Society, since 1814, exclusive of the Wesleyan Mission, established in New Zealand in 1819, are compared with the present state (1840-1841) of the New Zealand Missions, as to schools, &c., it cannot but be allowed, that, henceforth, the appropriation of such large annual sums, under different system and management, ought to produce much greater results.

EXPENDITURE OF MISSIONS IN NEW ZEALAND.

Church Missionary Society	1840-1841	.	14,232	13	7
Wesleyan do.	1839	. . .	3,885	11	11
			£18,118	5	6

Exclusive of the above, the British and Foreign Bible Society presented to the Church Missionary Society, in 1840, *ten thousand* New Zealand Testaments.

At the enormous annual expense of above *fourteen thousand pounds*, in the twenty-fifth year of its establishment in New Zealand, the Church Missionary Society only provide, for the religious and scholastic instruction of the Aborigines, eight Missionaries and sixteen Catechists. It is true, that the official statements include 151 native teachers, but they are no expense to the Society, for, if they are paid at all, it is most probably by gifts of Bibles, Prayer Books, &c. The total number of native scholars, in all the sixteen stations of the Society, is, at present, according to the Report of the Missionaries, 7,236.

It may be here remarked, that the natives of New Zealand, are, at this time, rather perplexed, as to the abandonment and change of their own ideas, and belief of religion, from the various competitors, as they suppose, that have arrived among them, to influence their ancient faith.

The Missionaries, of which there are two parties, the Church, and the Wesleyan, were first in the field; but, they very sagaciously divided the North Island, so as to avoid collision in their labours, with each other; the Church Mission reserving the Bay of Islands and the district to the Northward, with the East coast, and the Wesleyans taking the Western coast from Hokianga to Cook's Straits.

At a later period, the Roman Catholics have arrived in New Zealand, as candidates for the religious suffrages of the natives, and at this present time, there are a bishop and twenty priests actively engaged on the Northern Island.

Bishop Pompalier is a man peculiarly adapted for the purposes of the mission of his church. By education a scholar, in manners engaging, in countenance prepossessing and expressive, added to sincere and earnest zeal in the cause he has undertaken, although possessed of private personal wealth, it may be easily imagined, with the aid of pontifical robes, that he creates no ordinary sensation among the Aborigines. He has a large beautiful schooner, in which he is continually visiting the coast, and is very kind and liberal to the natives.

Since the Government has been settled in the

Colony, there are clergymen of the Established Church at Auckland, Russell, and Port Nicholson,—at which latter place there is also a minister of the Scotch Church.

The arrival of Bishop Selwyn, with his mitred cap and lawn sleeves, and retinue of eight more clergymen, will still further surprise them; and if they can be made to understand, that the bishop is one of the heads—similar to Bishop Pompalier—of the *Protestant Church*, and that the clergymen, accompanying him, are dignitaries, they will then consider all the previous Missionaries and Catechists as “*Kukei*,” or very common persons.

It is to be hoped that now, much will be done towards the instruction, in every respect, of the Natives; for, at the present time, there must be, on the Northern Island, the following Ministers of Religion :—

Established Church	. .	1 Bishop	}	13
		12 Clergymen		
Church Missionary Society		8 Clergymen	}	24
		16 Catechists		
Wesleyan do.	. .	16 Clergymen		16
Scotch Church	. . .	1 Clergyman		1
Roman Catholics	. . .	1 Bishop	}	21
		20 Priests		
				75

In their endeavours to obtain proselytes, it ought to be the study and care of these several ministers of religion, to refrain from imbuing the minds of the natives, with feelings and prejudices tending to lessen the religious character and principles of others professing different opinions and belief. It is contrary to true Christianity, as well as at variance with the tolerant feelings of these enlightened times, to anathematize the members of a different religious creed as "*the agents of Satan.*"

Forbearance and charitable feelings towards each other, will be the best exemplification to the intelligent natives, of the practical effect of the holy doctrines they all profess, though by different modes of worship.

The object of all is the same, and alike praiseworthy,—but the means, extent, and period of full attainment, rest with a higher than human power.





Drawn on Stone & Engraved by P. Gassiot.

9 North Crescent Bedford Sq

TE REWITI, ELDEST SON OF TE KAUWAI,

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(See p. 36)

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CHAPTER II.

CHARACTER OF THE NATIVES—FORBEARANCE OF THE NATIVES
—CONSIDERATION OF THE NATIVES—NATIVES NOT AG-
GRESSORS—BARQUE HARRIET—RUTHERFORD'S NARRATIVE—
SUPPOSED ACTS ON ENGLISH COAST—RECENT INSTANCES OF
AGGRESSION BY EUROPEANS—FORBEARANCE AND JUDICIOUS
CONDUCT OF THE NATIVES.

IN forming an opinion of the character of the New Zealanders, the undoubted fact of Cannibalism, being formerly a constant practice among them, excites in the mind an impression that they are, naturally, ferocious and cruel. The numerous instances of their attacks, on ships and crews, on their coasts, as related in various publications, would also tend to confirm such belief.

But dispassionate inquiry and reflection on their customs, however revolting and barbarous, which have been handed down to them from their ancestors, with some reference to analogous circumstances, as regards their conduct towards vessels and crews, if occurring among civilized nations, will place the character of the New Zealand untutored savage in a different light.

Cannibalism formerly, among them, was partly a religious rite,—an expiatory sacrifice of their enemies, to the manes of their relatives, for former wrongs and injuries. Their internal feuds descended, from generation to generation, and a son

would never rest until his revenge was satisfied, for some insult or injury, real or supposed, done to his parent. In partaking, likewise, of the bodies of their enemies, they conceived they inherited their personal courage and talents for war.

Much as the custom is to be deplored and deprecated, it must be remembered, that it was their education and religion. Their true natural character and disposition, therefore, should rather be considered and appreciated by their conduct, since they have been informed of the cruelty and wickedness of such practices; and, how far, they may have opposed, or acceded to, the humane precepts and moral obligations, enjoined by the Christian Religion, and endeavoured to be inculcated upon them, by the Missionaries.

Much has been said by the Missionaries, themselves, of the barbarous cruel character of the natives, when they first settled among them; but the very circumstance, that since the first formation of the Mission, in 1814, to the present time, (twenty-eight years,) there has not been one person, belonging to the Mission, cruelly treated, or killed, by the Natives,—this very fact, if it is evidence at all, is decidedly in favour of the Aborigines,—for, at any and at all times, the Missionaries, individually and collectively, were completely in their power, and at their mercy. The Natives have never opposed the interference of the Missionaries, nor disregarded their endeavours, to prevent war and consequent crimes,—far otherwise, and the happy result has been

that by the persuasion and entreaties of about twelve Englishmen, from time to time, in the course of a few years, an end has been put, not only to cannibalism, but to wars also.

There have been, within these four years past, some few battles, among the native tribes, on the North Island, but they were quite on a minor scale, in comparison with former periods, and after these actions, the dead were buried, and the prisoners saved from immolation.

Captain Hobson, when at the Bay of Islands, in H. M. sloop *Rattlesnake*, in 1837, thus writes to Sir Richard Bourke :—

“It affords me great satisfaction, to assure your Excellency, that the European settlers, at the Bay of Islands, repose the most entire confidence in the friendly disposition of the natives, notwithstanding the existence of war, between the two tribes settled in their immediate neighbourhood.

“The war between the Bay of Islands tribes, under Pomare and Titore, is the only one now prevailing in New Zealand: notwithstanding that many auxiliaries enlisted, have come from considerable distance, in every direction; but this does not appear to disturb the harmony of those who remain behind in their Pas, although the nearest neighbours are engaged on opposite sides.

“Reverting to the position, in which our countrymen stand, in regard to these factions, it is a remarkable fact, and worthy of imitation by more civilized powers, that the hostile forces have repeatedly passed

through the very inclosures of the Missionaries, at Pahia, on their way to, and from, the field of battle, without molesting a single article belonging to the whites; and, in one instance, the two parties, by mutual consent, removed the scene of action to a greater distance, from our settlements, lest a white man should, by accident, be injured; how long this feeling may continue, it is impossible to say. I only know, that those who have every thing at stake, their lives, their families, and their properties, entertain not the slightest apprehension of any change."

In a subsequent passage of his despatch, Captain Hobson adds—

"In reporting to your Excellency, my view and observations on the social condition of the New Zealanders, I cannot repress a feeling of deep regret, that so fine and intelligent a race of human beings should, in the present state of general civilization, be found in barbarism; for there is not, on earth, a people more susceptible of high intellectual attainments, or more capable of becoming an useful and industrious race, under a wise Government."

Cannibalism has now entirely ceased, throughout the islands of New Zealand, and although a life may be, occasionally, sacrificed, among the natives; yet, it is for some great and heinous offence, for which they conceive death alone to be just retribution, according to their laws and customs.

These facts redound greatly to the credit of the Missionaries, but, at the same time, they no less prove, that the natural character of the New Zea-

lander, is not so ferocious as has been imagined, and that it is, also, widely different from many other races of savages.

In reference to the many accounts of their attacks of vessels and massacre of crews, it must be remembered, that the statements of the origin and cause of such lamentable events, are for the most part, if not all, *ex parte*. If opportunity had been offered, for the natives to have given their account, of each of these transactions, it is very probable that, in most cases, the Europeans were the aggressors, by some act of cruelty, robbery, or gross violation of native customs.

It would be too tedious to enter into detail, in order to controvert the numerous alleged instances of unprovoked barbarity of the New Zealanders. The Report of the Committee of the House of Commons, on Aborigines in British settlements, most ably refutes such assertions ; and, more especially, in the instance of the Alligator frigate, Captain Lambert, sent to rescue Mrs. Guard and some seamen of the barque Harriet, of which Mr. Guard was master. It is well known, in the Colony, that the suspicious and doubtful view, taken of that case, by the Committee, was perfectly correct, and much more might be adduced, to prove that the natives were the first treacherously deceived and wronged, and the only party really injured. It is very much to be lamented, that a king's ship should have performed such a service, on an *ex parte* statement.

Allusion will be made here, only to one other alleged instance of cruelty on the part of the natives,

on account of its source. In the volume, entitled "*The New Zealanders*," published some years since, the adventures of a man, named Rutherford, occupy a considerable portion. These adventures are, for the most part, fabulous, for it is well known, by some of the present European residents, who have been in New Zealand for many years, that he *came* from New South Wales, and when he reached New Zealand, he deserted his ship, and went into the bush, of his own accord : therefore, whatever truth may be attached to his narrative of the habits of the natives, their character, as regards the massacre of Rutherford's companions, is entirely free from stain.

Before ascribing to the natives of New Zealand such barbarous passions and inhuman feelings, which these incidents, if perfectly true, and practised without provocation, would certainly prove, we should pause, and, in justice, presume Englishmen placed in similar circumstances.

Suppose, for instance, a foreign vessel, some years since, in piratical times, had come on the coast of one of the English counties ; the crew had landed at some isolated village,—the male inhabitants of which were absent, pursuing their avocations of fishing or agriculture. The strangers take advantage of the unprotected women, not omitting perhaps the family of the squire, or chief ; rob the gardens, and carry off pigs, poultry, &c. The vessel puts to sea ; in a few days, contrary winds embay her near the same place ; she is descried and recognised, by the people on shore, and the boats are perceived

again approaching to repeat their visit. The villagers summon their neighbouring friends, and, to insure revenge, allow the strangers to land and proceed, until they have them completely in their power, and then follows just retribution.

In such a case, what would Englishmen say? Would an English jury convict their fellow countrymen, for *murder*, under such circumstances?

Such have been the aggressions in former years, towards the New Zealanders, only, it must be allowed, that, in some cases, they have, unfortunately, mistaken the vessel, on her supposed second visit, and not punished the right, or real offending party.

In later years, many facts have been ascertained, and doubtless very many more have been practised, that never will be known, of robbery and aggression by Englishmen.

At the Bay of Islands, a small schooner arrived, commanded by a person named King, who began trading with the chief, Pomare, who sent on board quantities of timber, flax, and potatoes; for which King was to return muskets, powder, and tobacco. But King, who was a runaway convict from New South Wales, sold the produce, immediately, to different masters of vessels, alongside of his schooner, and sold her, also, to some resident at the Bay, and then decamped, without making Pomare any payment whatever. Subsequently, Pomare, ascertaining that the schooner was in the neighbourhood, had her seized, by his natives, and kept possession. Representation was made at Sydney, that the natives

unlawfully had seized and kept the vessel, in consequence of which, the Alligator frigate was ordered to interfere, and obtain restitution ; but Pomare was resolute. The Missionaries interfered, and then Captain Lambert was convinced that Pomare had just claim on her, for the property of which he had been so grossly cheated, for which full payment was made him, and then he immediately gave up the vessel.

So recently as 1840, a gross act of robbery and injustice was committed towards a celebrated chief, who, fortunately for the other European residents at the settlement, is very intelligent, and exceedingly well disposed to all Europeans. An Englishman, named McGregor, escaped some years since from Van Diemen's Land to Long Island in Foveaux's Straits, where the renowned chief Tooiaiki and his tribe dwell. This man, who had been residing there for years, seized on a small craft, took some of the chief's women and slaves, and went away altogether. According to native custom, in former times, the destruction of the remaining Europeans, and seizure of their property, would have been deemed, by the chief, nothing but his just compensation and revenge.

Many anecdotes and examples, could be adduced, to prove where Europeans,—either from ignorance of the language and customs,—from obstinacy, or from the ridiculous opinion, too prevalent with new settlers, that a few of them are able to cope with many natives,—have placed themselves in situ-

ations, in which, if forbearance and coolness had not been judiciously maintained by the natives, the most lamentable results would have ensued. Against regular disciplined troops, a body of natives, disorganized, and unaccustomed as they are to discipline, could not contend, unless of overwhelming numbers ; —but, in comparison with the ordinary settler, the New Zealand fighting man may be considered on perfect equality, as to personal innate courage, and, as neither have been accustomed to regular tactics, the advantage, if any, especially in the bush, would be with the native.

An instance, strikingly illustrative of the previous observations, as to the falsehood of statements,—the first aggression or provocation,—the bad and violent conduct of Europeans,—and the forbearance of the natives, occurred, not long since, at the Bay of Islands.

The fact is so important, from its unquestionable authority, that it is worthy of publicity and record, in justice to the natives.

Copy of a despatch from Lieutenant-Governor Hobson, to His Excellency, Governor Sir George Gipps.

*“ Government House, Russell,
15th June, 1841.*

“ Sir,—I have the honour to acquaint you, that on the night of the 4th June, a report was conveyed to me, that a desperate disturbance had taken place,

between some seamen and the people of Pomare's tribe at the "Pa," about three quarters of a mile from this, on the banks of the Kowa Kowa.

"My informant was the mate of the ship Achilles, who told me that a sailor had escaped to his ship, badly wounded, who stated, that he and other seamen on shore *had been attacked by Pomare and his tribe; that ten or twelve men had been killed, that two masters of American ships had been detained as prisoners; and their boats had been dragged to the top of the hill.*

"This alarming account, being in some measure confirmed by the report of fire-arms at the Pa, induced me to request Captain Lockhart to send forward a small detachment of troops, with directions to the officer in command, to fire a rocket, if a reinforcement should be required. It appears by Captain Lockhart's report, a copy of which I have now the honour to enclose, that appearances induced the officer to make the concerted signal; that a reinforcement was sent; that, on the arrival of the troops, the natives retired, and immediately consented to give up the boats,—and *that the report of men having been killed, and two shipmasters being made prisoners, was a mere fabrication.* An affray certainly took place, in which *the seaman, who fled to the Achilles, was the principal instigator, and was the only white man who received any injury: one native was slightly hurt.*

"Referring your Excellency to Captain Lockhart's

letter for the proceedings of the military, I shall confine my narrative to the subsequent proceedings and result of the affair.

“ At daylight, on the morning of the 5th, I despatched a letter to Pomare, to desire his attendance here. In obedience to my summons, he made his appearance, at ten o'clock. It may be necessary to inform your Excellency, that Pomare is one of the most powerful and influential chiefs in New Zealand. He is connected with Rupera, in the south, and with many high chiefs, in the Thames and at Kaipara; and any misunderstanding, with him, might involve us with them all. Feeling that we had been placed in the wrong by the violence and misconduct of the seamen, and by the unsteadiness of a few of the soldiers, as reported by Captain Lockhart, it gave me no small satisfaction to find, that Pomare was only desirous to exonerate himself of all blame, on the occurrences of the preceding night, stating, as his excuse for seizing the boats, the provocation he had received, which was sufficiently gross to have occasioned, with less enlightened natives, or at another period of New Zealand history, a scene of bloodshed and destruction: and so far from feeling resentment, at the firing of the soldiers, which he was well aware had happened without orders, that he expressed himself thankful at their interference, saying, that they were the means of saving many lives, by preventing the sailors from burning down the Pa, which had in fact been threatened, and would have been attempted, had not

Captain Lockhart restrained the infuriated mob (of Europeans), by whom he was surrounded.

“In consequence of exaggerated reports, a number of chiefs collected at the Pa. I availed myself of the opportunity of assembling them, and holding a meeting, at which I mentioned, that Pomare might have avoided any collision with the sailors, if he had, in the first instance, informed me of their riotous behaviour, and I explained that my object in employing military, was to preserve peace and order, by restraining the refractory, whether Native or European. The temper of the meeting was in a spirit that I could have wished: all seemed thankful for the measures I had adopted, and sufficiently overawed by the promptitude with which they were executed. Pomare has since applied to me for some soldiers to preserve the peace, and promised, if I would keep the white men in order, he would answer for the Natives. I have, on two occasions since, employed the mounted police at the Pa. Pomare gave them lodging and fed them liberally.

“The effect of this termination will be felt both here, and all over the country. Pomare has shewn that he has a proper respect for our power, and the fact of his expressing no resentment at our interference, will satisfy the Natives that he was the aggressor.

“I have been thus particular in detailing this affair, to show your Excellency and Her Majesty's Government, the very frail tenure, by which peace is maintained with the native population.

“A mere drunken brawl might have involved us in a war with half the country. I know it was a dangerous experiment to send military amongst them in the night time, but it is equally necessary to be firm and prompt, as it is to be courteous and forbearing, and if my information had been true, inertitude would have been criminal. As this matter has terminated, I feel convinced that it will greatly tend to strengthen the influence of Government.

“The inference, to be drawn from these occurrences, is, that an augmentation of the military is absolutely necessary; it must never be overlooked, that the Native population are a warlike race, well armed, and ever ready to use those arms, on the slightest provocation.

I have, &c.

(Signed)

W. HOBSON,
Governor.”

CHAPTER III.

PROTECTION OF ABORIGINES—DIFFERENCE BETWEEN AUSTRALIAN AND NEW ZEALAND NATIVES—RESERVES OF LAND FOR NATIVES—TREATMENT OF NATIVES AS BRITISH SUBJECTS—PROTECTION OF ABORIGINES—DANGERS OF INJUSTICE TO THE NATIVES—FORMER ERRORS OF CIVILIZATION OF ABORIGINES—PROTECTORS OF ABORIGINES—FUND FOR THE EXPENSE OF PROTECTION OF ABORIGINES.

CONSIDERING the great number of the Aborigines, on the Northern Island, their habits, their intelligence, and consequent aptitude for civilization, and knowledge of the useful arts of social life; it will be evident of what most momentous importance it is, that judicious measures should, at once, be adopted relative to them.

In devising such future plans, for the civilization and good government of the Aborigines, it should be remembered, that the Native population will now increase. As has been previously observed, the New Zealander is wholly different to the Australian native, in origin, language, country, and habits.

The Australian native is ever wandering over vast tracts, according to the seasons, hunting and searching for food. He has no fixed home, where he dwells, and cultivates for his subsistence.

“It is well known, that the Aborigines, in no instance, cultivate the soil, but subsist entirely by hunting and fishing, and on the wild roots they find in certain localities, especially the common fern,



Drawn on Stone & Printed by T. P. Nairi

HIRA, ONE OF THE SONS OF TE KAUWAU.

PAORA, NÉPHEW OF TE KAUWAU. (see p. 36.)

9, North Crescent, Bedford Sq.

Published by T and W Boone, London. 1842



with occasionally a little wild honey ; indigenous fruits being exceedingly rare." (Dr. Lang's letter to Dr. Hodgkin.)

The New Zealander has no animals to chase, but he dwells in his native village, and cultivates the soil, which, with fishing, furnishes his subsistence, he is peaceful and domestic in his habits, when not excited to war to avenge insults and wrongs ; and he is desirous that the European should dwell near him, that he may be initiated into the customs and advantages of civilized life.

Hence, it is apparent, how widely different will be the effect on the two races, in the course of years, by the colonization of Europeans among them ; and therefore how inapplicable the system for the regulations and government of the Aborigines, in one Colony to the other.

In Australia, the settlers, as they increase in numbers, and occupy large tracts of land for pasture, expel the Aborigines from their hunting grounds, and are naturally regarded as invaders, and treated frequently as enemies ; and hence their attacks, in the bush, when the settlers are few in number, and far distant from any settlement.

When an Australian tribe is driven from their land, by the advance into the interior of the Europeans, they are compelled to encroach on the territorial rights of some other tribe, and such trespass by an individual, according to their laws, for the purpose of hunting, is death, if taken in the fact ; and if committed by a body, it is resisted by force

of arms, therefore most sanguinary feuds will be excited, terminating either in the defeat and destruction of one party, or an union of both, for the purpose of attack and revenge on the Europeans.

By these events and causes, most lamentable as is the truth, the unprotected Australian Aborigines will have their means of subsistence gradually more and more limited, and their numbers greatly and rapidly diminished.

It may be, that, in the course of years, some few of the Australian Aborigines will be influenced to leave their habits of savage life, and become associated with Europeans as domestics ; but it cannot be denied, deeply as it is to be deplored, that the most probable result will be, in the course of time, the gradual but certain extinction, progressing with the extension of European settlers, of the whole race of Australian Aborigines.

In New Zealand, happily for the Aborigines, Her Majesty the Queen of England, by the Treaty of Waitangi, has confirmed and guaranteed to the chiefs, tribes, and the respective families and individuals, full and undisturbed possession of all their lands, so long as they choose to retain them, and whenever they are disposed to alienate any part, Her Majesty alone, can, and will purchase, and the value to be fixed by two persons, one acting for Her Majesty, and the other for the Natives. So far, are the Aborigines of New Zealand, most justly and humanely protected in their territorial rights, and from encroachment on their lands by

European settlers ; and will, by further judicious measures, be saved from the lamentable fate, to which almost all other Aborigines have been doomed whose native land has become the abode of Europeans.

Under the circumstances thus briefly explained, the future regulations and measures of the British Government, with respect to the natives of New Zealand, must embrace many interesting and important subjects.

The first, and chief of these, is to take especial care, that the natives retain in their possession ample area of land, for each of their respective tribes, families, and individuals, not only in proportion to their present numbers, but looking forward and calculating upon, natural increase of the present and future native population.

On this point, undoubtedly, depends their existence in future years, as a native people. To attempt suddenly to amalgamate them, as it were, with the Europeans, by dividing and dispersing the tribes, and appropriating to them portions of land within the settlements, and among the dwellings, of Europeans is a scheme perfectly visionary, and one of the most certain means to promote their progressive extinction as a people.

A census should be immediately taken of all the native population, with a survey of their districts. To each tribe, according to its numbers, a reserve of available cultivable land should be appropriated, by Act of Legislative Council, to be in-

alienable, unless by further Act of Council, and that only, when some future census shall be taken.

This reserve, in the first instance, should have great latitude, in relation to the present numbers of each tribe,—for but a small quantity, in proportion to the entire native possessions, of land will be required—and the natives can spare more than sufficient,—for the purposes of Government, to supply emigrants for some years.

In a few years,—presume five,—another census of the natives might be taken, and then time and experience would demonstrate the effect on the native population, by the constant increasing intercourse and association with Europeans; and from such statistical facts, future measures might be adopted, for their interests and welfare.

Exclusive of the justice, the great importance of such a measure, and the disastrous consequences that must ensue, by neglect of it, will be more apparent when it is recollected, that each tribe have their separate district, from which they will not remove, and that these distinct territories are not in relative area, according to the inhabitants, or proportionate to each other.

Therefore, some tribes, without affecting their present wants, or those of their posterity, calculating likewise on an increase of their population, will be enabled to alienate to Her Majesty's Government considerable area of land, while others can spare but little. In the northern part of the North Island the latter circumstance will be found very general.

It is one of the primary duties of the British Government, to watch over and protect the Aborigines on this most important point.

In determining, on the minimum reserve of land for each tribe, according to its numbers, the portion necessary for the maintenance of each individual cannot be decided by reference to European practice, for the natives have, as yet, no cereal productions, and their rude mode of cultivation, and their wasteful consumption of the crops, chiefly potatoes, bear no analogy to civilized practice and customs.

As they become more familiarized to European husbandry, and can be induced to learn and practise it, they may produce much more abundant crops, and less area will be sufficient for them, and as cultivation of their lands is their natural and favourite pursuit, every encouragement should be given, to stimulate them to improvement, by teaching the use of agricultural implements, and by distributing amongst them, cattle and sheep, in part payment for such lands as are superfluous, and therefore useless to them.

By the treaty of Waitangi, her Majesty, in consideration of the cession of the Sovereignty over, and of the exclusive right of preemption to all lands in New Zealand, "extended to the natives thereof her Royal protection, and imparted to them all the rights and privileges of British subjects."

But to carry into effect this clause of the treaty, in its true spirit, and to bring them within the pale of the English laws, will require great judgment and discretion.

Captain George Grey, in reviewing the condition of the Aborigines of Western Australia, considers that "the Colony of Swan River differing materially in the elements of its population from those established in the eastern parts of the Australian continent, and in Van Diemen's Land, a corresponding change in the intercourse between the natives and the white population might naturally be looked for.

"In modern times, with the exception of the new settlement of South Australia, no Colony has been established upon principles apparently so favourable for the developement of the better qualities of the Aborigines, and with so fair a chance of their ultimate civilization.

"The apparent advantages are, that no convicts have been brought to Western Australia to corrupt the manners of either sex, or to lead them astray by their vicious examples; and that a great want of labour has been always felt, so that any assistance that could have been procured from the natives, would have been a material benefit to the settlers, with these advantages we might have hoped to see important results.

"I wish not to assert, that the natives have been often treated with wanton cruelty, but I do not hesitate to say that no real amelioration of their condition has been effected, and that much of negative evil and indirect injury has been inflicted on them.

"The first great fault committed was, that no distinct rules and regulations were drawn up for the

protection of the Aborigines. Their land is taken from them, and the only benefit given in return is, that they are made British subjects, that is, having a right to the protection of British laws, and at the same time becoming amenable to them.

“All past experience has shewn, that the existence of two different races in a country, one of which, from any local circumstances, is considered inferior to the other, is one of the greatest evils under which a nation can labour ; a more striking instance of which could not be adduced, than is shewn in the present state of the free coloured population in America.

“In contemplating then, the future destiny of the Australian races, at the same time laying aside, all thought of their amalgamation with Europeans, the prospect is most melancholy,—only two cases can arise ; either they must disappear before advancing civilization, successively dying off ere the truths of christianity, or the benefits of civilization have produced any effects on them, or they must exist in the midst of a superior numerical population, a despised and inferior race ; and none but those who have visited a country in which such a race exists, can duly appreciate the evils both moral and physical, which such a degraded position entails upon them.”

Here is a true and faithful picture of the present lamentable state of the Aborigines, in Western Australia. In many details, it is applicable to New Zealand.

The elements of the European population in New Zealand, are similar to South and Western Australia,

and render those settlements, no longer, the only exception to New South Wales and Van Diemen's Land; and the apparent advantages of the Colony being exempt from the domiciliation of convicts, and of a great want of labour existing, which the natives may supply, will have full force, also, in New Zealand.

But these advantages will be of no avail, to the natives of New Zealand, if extending to them the Royal protection, and imparting to them all the rights of British subjects, are merely nominal and passive.

The poor Australian native has had his land taken from him, and his only return is, that he is made a British subject; but without proper instruction of the new laws, to which he has become amenable; and without just protection, in the limited rights remaining to him.

If the great fault and injustice committed in Western Australia was the deficiency of proper and just regulation for the protection of Aborigines, who, being deprived of all their property, had only personal rights, as paupers, under the British Crown; how much more important and imperative is it, that proper measures should be immediately adopted for the full protection of the Aborigines of New Zealand, who still retain possession of their native lands?

The treatment of the unprotected Aborigines, in most British and European colonies, reflects greatly on the character of the respective Governments. Generally the property, the homes, and not unfre-

quently the lives of the poor natives have been sacrificed, for the convenience of settlers, and extension of a settlement; and unoffending natives have been expelled and exterminated from the land of their birth, by the supineness and neglect of the Government, in the first instance, in not establishing a just and adequate system of protection for them, and subsequently, by a great increase of European population, who treat the natives as a despised inferior race, by an abuse of their superior knowledge and power, without the least regard to humanity or justice, to further their own worldly views and interests.

But independent of the just claims of the New Zealand natives, to participate practically and fully, in all the civil immunities of English subjects, the British Government must bear in mind, that in New Zealand they have to deal with a very different race of men, and those under very different circumstances, to the natives of Australia or Van Diemen's Land.

The native population, in comparison to that of Australia, is not extended over vast tracts; and a few days would be sufficient to assemble the whole of the fighting men of the Northern Island, at two or three most important places.

The New Zealander is acute and sensible, perfectly cognizant of his own natural rights, and sensitively alive to any gross act of injustice, and any such overt act, especially affecting their land, would create a union among the native tribes, the most

numerous and powerful of whom, now existing, are related to each other. They are also a courageous and athletic race of men,—have plenty of double-barrelled guns, in the use of which they are not novices. Twenty or thirty thousand of such men, acting in concert,—instigated by exasperated feelings of wrong and injustice from the Europeans,—and excited by their national customs of war songs, dances, &c., are antagonists and enemies neither rashly to be provoked, nor arrogantly to be despised.

The errors in former attempts to civilize the Aborigines in various countries, are most ably pointed out by Captain George Grey, in his report to Lord John Russell, “on the best means of promoting the civilization of the aboriginal inhabitants of Australia.”

He asserts that all efforts hitherto to civilize the natives in Australia have failed; on account of being founded on some erroneous principle, which he most sensibly and truly points out to be:—

“That although the native should, as far as European property and European subjects were concerned, be made amenable to British laws, yet, so long as they only exercise their own customs upon themselves, and not too immediately in the presence of Europeans, they should be allowed to do so with impunity.”

He then contends, by forcible and judicious reasoning, “that the Aborigines, as soon as declared to be British subjects, should, as far as possible, be taught that the British laws are to supersede their

own," and he argues that although, primarily, instances may occur of natives being punished for offences of which they were ignorant,—the evil of which might be lessened by slight punishments,—it would be more merciful, and less anomalous than "to punish natives for a violation of a law of which they are ignorant, when the act affects an European, and yet to allow them to commit this crime as often as they like, when it only regards themselves."

His remarks on the great disadvantages under which the natives labour, in the Colonial Courts of Justice, as regards their evidence, are equally acute and just, and demand the most serious consideration for those Aborigines, who, by solemn treaty, now possess all the rights and privileges of British subjects.

The whole of the "*suggestions*" of Captain Grey are most admirable, perspicuously detailed, and powerfully supported by sound reasoning, and intimate knowledge of the character and habits of the natives, for whose welfare he has so humanely urged their practical operation.

His plan for placing native youths with settlers to be taught some useful trade, with the mode of remuneration to the latter, but more particularly that for the employment of natives in the formation of roads, &c., might, with modifications, according to the difference of habits of the natives, and peculiar circumstances of the Colony, be successfully applied in New Zealand.

Corresponding to the importance of the measures

regarding the natives, is the mode, or means by which they are to be faithfully executed, and brought into beneficial operation.

“Protector of Aborigines” is the official person by whom those duties are professed to be performed; but it is perfectly impracticable, that the various numerous duties of such an office, over such an extent of country, and so great a number of natives, can be performed by one person, with satisfaction to the Government, or with justice to the Aborigines.

Considering the numbers of the various tribes, their separate districts and population, the continual sale and transfer of their property to Government, the daily occurrence of disputes and differences between the natives and settlers, the frequent commission of offences and crimes, either by or against natives, requiring immediate inquiry and investigation, in various parts of the islands, neither protection nor justice can be properly afforded, either to European or native, without some comprehensive and well-regulated system, for the protection of the Aborigines.

There should be a Board of Commissioners, or Protectors,—three or five,—three acting, with the Governor and Bishop, as members, in virtue of their office, under whose controul, direction, and management, should be every matter and circumstance connected with, or relating to, the natives;—such as the present adjudication of the claims to land of Europeans, alleged to have been purchased from them—the future sale of their surplus lands to

Government,—the protection and cultivation of their reserved lands—the establishment of churches and places of worship, and management of native schools, in various districts,—the provision for medical attendance among them, periodically,—and the attendance in all courts of justice, civil and criminal, of advice and counsel in all suits, actions, and prosecutions, in which the natives are in any manner concerned.

The Board should be composed of individuals, acting in no other capacity, either under Government, or otherwise. They should receive their instructions direct from, and report to, the Colonial Office, through the Governor, but to be as much as is compatible with due regard to obedience to the local government, entirely independent of it, as regards their duties.

The justice and propriety of the Board, being independent, as regards their official duties, of the Local Government, will be obviously apparent when it is considered, that the Commissioners, on many and frequent occasions, will be, as it were, in collision with the Government in the character of Trustees for the natives, more particularly in the sale to the Queen, of their surplus land, and in the due fulfilment by the Local Government, of all regulations, for their amelioration and civilization, which may be enjoined by the Legislature in England.

To the Board should be attached, competent persons to act as interpreters, even if the Commissioners did understand the language, as the inter-

preter would be collateral evidence to any native deposition or evidence, and the Commissioners should have power to appoint, on emergency, proper persons to act on their behalf, in distant and remote parts.

The duties of these Commissioners, which, in fact, would comprise the domestic government, and care of a population of above one hundred and fifty thousand Natives, spread over an area of fifty thousand square miles, would fully occupy their whole time and attention, and these duties are so varied and numerous, and of such responsible and important a character, that the remuneration, ought to be proportionate and liberal, so as to induce persons fully qualified, to undertake the office, in the Antipodean Colony.

The expenses of the Protectors of Aborigines, should, in all cases, be a secondary consideration with a humane and just Government, even in cases wherein it may be, in the first formation of a Colony, a direct charge on the local revenue; but if when, as in New Zealand, such expenses can most readily be provided for, by the resources of the Natives, there should be no parsimonious restrictions, to prevent the establishment of a full and effective Board of Commissioners, for the protection of the Aborigines, in that Colony.

The instructions from the Home Government, with regard to the provisions for a fund, to defray the expenses of the protection of Aborigines, have been various and anomalous. Lord John Russell,

in his instructions to Captain Hobson, on his appointment of Governor of New Zealand, as an independent Colony, states, as to the appropriation of proceeds from Land Sales ; “ That the first use of money, thus to be raised, must be the defraying of the Land Department, including surveys, and other such works, as may be indispensable to give exchangeable value to the land.

“ That from the surplus, no deduction be ever made for the indispensable exigencies of the public service, and for the benefit of the Aborigines, exceeding 50 per cent. on the net proceeds of the year.

“ That the deduction be never made, except in so far as there may be a well ascertained deficiency of other funds for such services.

“ That 50 per cent. of the net proceeds, at the least, be expended annually in emigration from this country.”

These instructions are very vague and complicated throughout, and more particularly, with reference to the Aborigines, for there is no mention whatever, in any other part of the instructions, of what are the other funds, to be in the first instance appropriated to such services, on which the deficiency is to be well ascertained, before 50 per cent. of the surplus of the Land Fund, can be applied for the benefit of the Aborigines. In fact, there is not any other fund, except the Ordinary or Fixed Revenue, which is appropriated to, and wholly absorbed by the General Expenditure of the Colony.

However, Lord John Russell, in a further despatch to Captain Hobson, in January, 1841, containing additional instructions on the subject, regulates —

“ As often as any sale shall hereafter be effected in the Colony, of lands acquired by purchase from the Aborigines, there must be carried to the credit of the department of the Protector of Aborigines, a sum amounting to, not less than fifteen, nor more than twenty per cent. in the purchase money, which sum will constitute a fund, for defraying the charge of the Protector's establishment, and for defraying all other charges, which on recommendation of the Protector, the Governor and Executive Council, may have authorised, for promoting the health, civilization, education and spiritual care of the natives. Such sums, when not immediately required, must be invested in the best securities in New Zealand, or in New South Wales, in the name of the Governor. If, at any future time, the fund should be found to exceed every reasonable demand for this service, any ulterior augmentation of it may be suspended, until the want of additional funds, shall become apparent, or shall be reasonably anticipated. But generally speaking, the proceeds will be probably expended within the year.”

This is a more intelligible and judicious plan, with more liberal provision for the protection of the natives.

But it assumes, that there should be only one Protector, with whom, and the Governor and Exe-

cutive Council, all power and authority are centered, for promoting the health, civilization, education and spiritual care of the natives. As before observed, it is indispensable, that the Protector or Protectors should be perfectly unconnected with, and independent of, the local Colonial Government.

If the Home Government would establish a Board with full powers, such as the Protector, Governor, and Executive Council, would have had, according to Lord John Russell's instructions for the education and spiritual care of the natives, it might be rationally anticipated, that the large sums hitherto annually confided to a few individuals, by the Church Missionary Society, for similar purposes in New Zealand, would be transferred to be expended and disbursed, under such more enlightened and competent controul and management. It might further be expected that the numerous societies in Great Britain, as those for the propagation of the Gospel in Foreign Parts, for promoting Christian Knowledge, &c., whose avowed objects are the education, and spiritual care of all classes, whether Christian or Heathen, will, when such a Board, composed of efficient independent officers, is publicly known to be in active operation, place at their disposal also large sums to be appropriated to the several purposes, for which the individual charities were established.

With such probable powerful auxiliaries, the Government should, at once, establish the Board for the protection of the Aborigines, without any strin-

gent restrictions, as to its primary expense, for the just, humane, and laudable purposes mentioned, and such comprehensive and liberal measures, would be the most effectual means for promoting the ends, respecting which, as Lord John Russell most justly observed, there can be no difference of opinion.

“ These ends are, the protection of the Aborigines from injustice, cruelty and wrong ;—the establishment and maintenance of friendly relations with them ;—the diversion into useful channels of the capacities for labour, which have hitherto been lying dormant ; the avoidance of every practice, towards them, tending to the destruction of their health, or the diminution of their numbers ;—the education of their youth ;—and the diffusion amongst the whole native population, of the blessings of Christianity.”

PART V.

ON THE

FUTURE PROSPECTS OF THE COLONY.

FUTURE PROSPECTS OF THE COLONY.

CHAPTER I.

**RESOURCES AND EXPORTS—TIMBER—KAURI—LABOUR IN
BRINGING TIMBER FROM FORESTS—TIMBER FOR SHIP-
BUILDING — TANIKAHA — POHUTUKAUA — COMPARATIVE
PRICES OF TIMBER—FLAX.**

THE facts and observations in the preceding chapters will naturally lead to the reflection and consideration, of what are the resources of New Zealand? in what manner they can best be developed, and rendered productive? and what measures are requisite, on the part of Government, so as to insure the present success of emigrants, and the future prosperity of the Colony?

In the first establishment of a colony, the settlers, necessarily, for some time, must exist on their present means,—that is, on their actual capital,—until they discover some indigenous production, or create by cultivation, or other means, some exchangeable value, to supply their present and future wants. This primary state of things, in every country or colony, has been the origin of all trade and commerce. Whatever the colony may be, the settlers, presuming they can obtain, by cultivation,

food for their daily subsistence, unless they intend to remain on a level with the uncivilized natives, will have very many wants, which must be supplied from without the colony, as clothing, and many other necessaries and comforts of civilized life. These must be paid for either in money, or by some article of produce. The merchant and storekeeper in the town may give the cultivating settler in the country credit for a time ; but the former must remit to the absent shipper, or pay the actual importer, either money or produce, at some period.

Frequently, American and French vessels visit the Australian Colonies, and New Zealand, with a general cargo of their national products and manufactures, suited to the various wants of the colonies. They are accompanied by a supercargo, who generally disposes of merchandize to a considerable amount, and would very willingly receive produce, in barter, for payment ; but, if the settlement has it not, payment must be made in money, for bills, in such a case, are out of the question ;—and thus the colony—or, in fact, the settlers—expend and sink so much of their actual capital.

It may be argued, that to bring the land into cultivation will require labour ; and it is for such purpose that emigrants resort to a colony ;—that the wages for that labour, and the produce arising from the cultivation, will both create funds, or capital, to the colony to pay for such extraneous supplies. But capital must be found, in the first instance, to pay for labour ; and such payment is

no creation, but merely a transfer of actual capital,—unless the land, by its products, compensates for such outlay of capital to the proprietor. And this will be a most stringent question, in a colony in which great outlay will be required, in the first instance, to clear, enclose, and cultivate, in addition to the competition of foreign supplies of the same products.

The labour of a man and his family, applied to his own land, does not absorb, but creates capital. Hence, how different the cases of land cultivated, in small areas, by the actual labour of its occupants, and of those large tracts brought into production, as returns for capital expended on hired labour. In the former case labour is part of the profit ;—in the latter, if the proprietor is not compensated for, he absolutely sinks, his actual capital.

In some colonies, by the salaries and pay of a large government establishment of civil officers and troops, which sums are expended in the colony, the amount and balance of imports are, in some degree, equalized ; but that is no criterion of the actual state and prosperity of the settlers, or of the colony.

Until a colony, from some of its resources, possesses an export equivalent to the value of its imports, the balance must be paid by, and will be a real diminution of, the actual capital of the aggregate body of the settlers.

It is true, that the effects are not immediately felt in their full force, or the mischief perceived to its full and ultimate extent, on account of the occa-

sional arrival of new settlers with additional funds. But the result and sequel, although deferred and slow, will be certain in every colony, to which there is a rush of emigration, without due consideration of its actual state, and of its probable resources for future exports to counterbalance,—in other words, to pay for,—the necessary imports for the indispensable wants of great and increasing numbers of settlers.

The moment the tide of emigration ceases to flow, with its concomitant of additional capital, to the colony from the mother country, either in goods or money brought by the new settlers, the natural inevitable consequences will commence, and a state of affairs, similar to South Australia, will rapidly ensue.

The resources of a colony are of two descriptions;—those that are natural productions, abundantly indigenous;—and those that are produced or created by cultivation, or manufacture;—both arising from some peculiar and favourable circumstances of geographical position, soil, or climate.

Instances of the former are,—the Timber of Canada—the Gums and Oak of Africa—the Bark of Peru—the Orchilla of the Canaries, &c.:—of the latter,—the Sugar of the West Indies—the Tobacco and Cotton of America—the Wool of New South Wales—the Indigo of India, &c.

It is, from these resources, that a colony becomes possessed of a *staple* product, far exceeding the wants and consumption of its own population, and very often not at all useful, as a raw material, in the colony;

and then it becomes available and profitable for export, enabling the colonists to supply themselves with the produce and manufactures of other countries,—equalizing the balance of such trade ;—and frequently, by the excess of value of their exports to their imports, as in the West Indies formerly, enriching the Colony as well as the Parent State.

These remarks suggest the inquiry, how far New Zealand either possesses natural indigenous products,—or can create, by cultivation or manufacture, resources available for export. This subject is not only important as regards the future balance of trade, in favour of, or against, the Colony, but likewise as affecting the question of revenue to the Government.

In all previous publications and accounts of New Zealand, two natural indigenous products have been put forth, as certain and inexhaustible sources of wealth to the future colonists ;—these are *Timber* and *Flax*.

With regard to *Timber*, until European labour and machinery can be obtained in great strength, and at small expense, it cannot be considered or reckoned upon as a *staple* article of export, or repay the exporter either to New South Wales, or to England. The freight, alone, to England, on account of its distance, of £5. to £6. per load, is a prohibition, except for very large spars, exclusive of the very great expenses that are incurred previous to shipping.

The Kauri, which is the principal wood shipped,

grows on high mountains, in the depths of forests, except in very rare instances, and requires immense manual labour ; for no other can be applied in such spots, to bring the spars and logs from the woods. The natives, from their numbers, sometimes as many as two hundred, have hitherto been employed in this arduous labour ; for frequently trees are felled two or three miles back in the woods, and then have to be dragged up and down ravines, and across swamps, to the saw-pit to be cut into plank, or to a creek or river, whence it is floated to the vessel for shipment. For this service, formerly, a very small remuneration to the chief, only, of a tribe was considered ample, with a little tobacco among the whole of the labourers ; but now, the natives will not work, unless individually paid, and that at a high rate ; and the European sawyers, who formerly were glad to work at the rate of six shillings per 100 feet, now obtain the exorbitant wages of sixteen shillings, and stipulate that the logs shall be placed on the pit for them.

In Norway, Russia, and Canada, the foresters have the advantage of the season of icy snows, during which time only, they attempt to transport the fruits of their summer labour, from the wooded mountains to the banks of the rivers, which the thaws of returning spring swell and increase, and the timber is floated without labour from the banks, and rafted quickly down, for hundreds of miles, to ports for exportation.—Not so in New Zealand. The perpetual vegetation of the forests, and the

certain frequent rains throughout the year, keeping the low grounds always swampy, renders the transit of timber from the forest a task most difficult and expensive.

To convey some idea of such undertaking.—In the forest on the high ridge of land separating Coromandel Harbour from Mercury Bay, there was felled a Kauri tree, which measured, when cut down, in length, 150 feet ; and the circumference of which, at the base, was 25 feet. From the spot of its growth it had to be dragged up and down two ravines, at nearly an angle of forty-five degrees, through the woods, and then for nearly a mile across a mangrove swamp, to the borders of a creek, emptying itself at some distance into Coromandel Harbour. These creeks, which everywhere abound in the gorges of the mountains and hills in New Zealand, are generally shallow, except immediately after the heavy rains, when they rapidly rise from the freshes down the ridges of the mountains, and sometimes to an increase of depth of ten to twelve feet, according to the dry or wet weather of the winter season. It is for these opportunities, that the settler is obliged to wait, to bring down the large timbers intended for spars for shipment ; and this operation requires great skill and dexterity, and is generally performed by the natives, who run along the banks, and are continually in the stream, to prevent the timber from being driven ashore, or direct across the creek, which is very likely to occur from the rapidity of the current, and from the nu-

merous and abrupt sinuosities in the course of the creek.

This immense tree was brought to Coromandel Harbour, in the spring of 1842, (September, 1841) and when squared and sided for a spar, measured twenty-eight inches in diameter ; but its length was obliged to be diminished to ninety-eight feet, in order to render it available for shipment on board the barque Planter, Captain Manning, of nearly 500 tons, in which vessel it was conveyed to England.

It is in the forests on this ridge of mountains on the eastern coast, near Mercury Bay, that the largest Kauri tree in New Zealand is growing. It is called by the natives the Father of the Kauri. Although almost incredible, it measures seventy-five feet in circumference at its base. The height is unknown, for the surrounding forest is so thick, it is impossible to ascertain it accurately. There is an arm, some distance up the tree, which measures six feet in diameter at its junction with the parent trunk.

Besides the Kauri, there are other trees equally, if not more valuable, but not available, for the same reasons, for export ; but if ship-building was carried on in the colony, they would become one of the most profitable resources of it.

The *Tanikaha* is a most valuable pine from its peculiarities. On the Northern Island, its size, in comparison to the *Kauri* and some other trees, is not large, but it is very probable that it is of much larger growth on the Middle Island, more particularly on the south-western coast, in the neighbourhood of

Dusky Bay, where it is abundant; and as the *Kauri* is found in the Northern, so may be the *Tanikaha* on the Southern Island, in its greatest perfection. The great peculiarity of this wood is its tenacity and extreme pliability, rendering the smaller spars most valuable for top-gallant masts and studding-sail booms, and likewise for masts for small craft and boats. The objection to it, for these purposes, is its weight; but the natives have an ingenious method, for the masts of their canoes, of rendering it in some degree lighter. They place the spar longitudinally over a brisk fire of wood on the beach, turning the spar quickly, until the surface is charred, which evaporates the aqueous particles within the vessels of the wood. This great pliability is owing to the natural growth of the tree, the annular rings of which are entwined round the layer of the preceding year, like a corkscrew, up to the very apex of the tree. This form gives a beautiful appearance to the young trees, when barked for spars, as they are perfectly straight, and taper gradually to a point.

This tree on the Northern Island is seldom found above forty feet in height, and ten feet in circumference at its base. The planks cut from large trees would be extremely serviceable for decks, and if the weight was no objection to large masts and spars, the *Tanikaha*, if found of sufficient size, would excel *Kauri* for those purposes for her Majesty's navy.

No less valuable than the *Kauri* and *Tanikaha*, for the purposes of ship-building, is the *Pohutukaua*, which is to be found along all the shores of the sea

coast, growing to an immense size. It is one of the most beautiful botanical productions in New Zealand, particularly in the month of December, when trees equal in dimensions and foliage to the largest oaks in England, the growth and form of which they resemble, are completely covered with very large blood-red flowers, giving to the scenery of the shores, abounding with other brilliant evergreens to the water's edge, an appearance most strikingly splendid and picturesque. The Pohutukaua, like the oak, grows extremely crooked, and to a great size, frequently two or three trunks from the same root, with limbs and branches equal in size to the parent stems. The roots of the tree, which ramify to a great extent on the surface, are as large as the limbs, and equally as valuable for the knees of ships. These trees, with their roots, which are very easily extracted from the ground, frequently contain many loads of timber, and, from growing always along the shores, are very accessible and available. The wood is extremely hard and tough, equal to any oak or teak, and the trunks are as valuable for large timbers, as the limbs and roots for the knees, of ships. There are many other trees of large growth adapted for the same purposes, particularly the *Puriri* and *Rata*.

The *Kahikatea* resembles the *Kauri* in appearance only: it grows to a considerable size, but being hygrometric, is only calculated for internal use of houses.

Besides these trees there are a great variety and

quantity of timber in New Zealand, for all useful purposes, of houses, furniture, &c., which is certainly a great advantage to the Colony itself, inasmuch as it renders it independent of any other for a supply of such useful and necessary article. To the colonists themselves, a temporary high price on account of exorbitant wages of sawyers, is not of so much consequence, although it greatly enhances the expense of all their houses and agricultural buildings: but timber from New Zealand, except an occasional cargo of very large and rare spars, for the British navy, will never,—particularly as the flow of emigrants to the Colony itself will create for a long period a great demand and consumption,—as an article of export, bear the additional charge of £2. per load for freight to Sydney, to compete in price with the indigenous blue gum and cedar of Van Diemen's Land, and New South Wales,—or of £6. per load to England, to undersell the Baltic and Canadian Timber.

The prices of timber in September 1841 in the Australian Colonies and New Zealand, were as follows:—

NEW SOUTH WALES.

Sydney and Port Phillip.

	£	s.	d.
Van Diemen's Land Boards per 100 feet	1	2	0
“ Scantling “	0	17	0

NEW ZEALAND.

Auckland.

	£	s.	d.		£	s.	d.
Kauri Boards per 100 feet	1	8	0	to	1	12	0
“ Scantling “	1	5	0	“	1	8	0

Port Nicholson.

	£	s.	d.	£	s.	d.	
Kahikatea Boards per 100 feet	0	19	0	“	1	1	0
“ Scantling “	0	17	0	“	0	18	0

The prices of timber in England in January, 1842.

	£	s.	d.		£	s.	d.
Riga Yellow Deals, 12 ft. 3 in. per 120	18	10	0	to	20	0	0
“ White “ “ “	15	10	0	“	16	0	0
Quebec Red Pine “ “	14	0	0	“	18	0	0
“ Yellow “ “ “	13	10	0	“	14	0	0

The relative prices as to similar quality, therefore, per 100 feet run of deals one inch thick, are

AUSTRALIAN.

EUROPEAN AND AMERICAN.

Kauri	32 shillings	}	Baltic	10 shillings.
Blue gum	22 “		Canadian	7 “
Kahikatea	21 “			

In fact, instead of exporting timber, the importation of it from Quebec, during the last two years, would have been a most profitable speculation either to Port Nicholson or to Auckland.

The *Flax* of New Zealand may, more probably, become, eventually, the staple of the Colony, as Wool is of New South Wales. It is indigenous, and is found all over the islands, in inexhaustible supplies, for the leaves can be cut twice a year, leaving the parent root for re-production; and if the plants were cultivated by off-sets, for it is a bulbous root, at proper distances, and the intervening spaces kept free from fern and other shrubs, there is no doubt, but the quality of the fibre would be improved, as

well as the quantity very much increased. It is from the leaves of the plant,—which are similar to the iris, only very much broader, and growing to the height of six, and sometimes of ten feet,—and not from the stem, as in the English, Russian, German and Italian hemp and flax, that the fibrous substance is obtained. The preparing of the New Zealand flax, is an art of manipulation confined exclusively to the native women, such labour being considered as beneath the attention and dignity of the native men. The fibre is obtained by separating it from the external epidermis of the leaf in a green state, by means of a mussel shell, and then exposing it to the air for a few days which bleaches the flax and dries the thin inner epidermis, which the Natives, on the flax they sell, very imperfectly remove, which has tended so much of later years, to depreciate its value and diminish its consumption in the Sydney and European markets. In heckling, and properly freeing the flax, from the particles of this coating and substance, there is a loss, in quantity of 25 per cent., exclusive of the trouble and expense.

Some years since, a trade with the Natives was carried on by the settlers to some extent, and shipped to Sydney for manufacture into cordage, &c. But now the Natives can scarcely be induced to prepare it at any price ; for the few wants they have are amply provided for, by the high value in money, or abundance of goods, they realise in exchange for their agricultural produce and labour. They can now

obtain plenty of good blankets at a moderate rate, which they prefer to their native mats, that occupied a long time—two or three years—to manufacture; added to which, field labour is more consonant to their habits than sedentary employment.

In 1831, the Navy Board contracted for 800 tons of New Zealand flax, at £41. 15s. per ton, which was manufactured into cordage for the Navy. No contract has since been repeated by Government for any supply of the flax, most probably on account of the difference of nearly twenty reports, from Captains of H. M. ships, on the qualities of the rope made from the New Zealand flax, in comparison with that made from European hemp. In some instances, the reports were decidedly in favour of the New Zealand flax, and others as positively condemnatory; but, in all the latter cases, there are strong complaints by the naval officers, that the rope, made from it, was badly laid, the strands not having an equal strain, which complaints, being referred to the master-attendant and master-rope-maker at Portsmouth, the latter very naturally, in self-defence—but rather anomalously as to the question, whether the strands were or were not properly laid up,—reports,—“that he cannot but feel convinced, that the defect so generally complained of *must arise from the nature of the material, and not at all from its manufacture.*”—in which, of course, the master-attendant fully concurred. (See Lords' Committee on New Zealand, 1838.)

Such a categorical opinion, without either reason,

fact, or proof, should only have as much weight as it deserves, with the Navy Board and Admiralty.

It is probable, that the unclean state of the flax, when imported into England, may have occasioned great trouble to the government rope-makers, in heckling out the tow, and freeing the fibres from the particles of the inner epidermis adhering to them, and which, if not properly and fully done, would operate against the due proportionate tension and wear of the strands, more particularly if they were carelessly or imperfectly laid.

The settlers at Port Nicholson have, with great spirit, formed a committee for the purpose of raising a fund, to reward the inventor of a machine which shall separate the fibre completely from the leaf.

In various parts of the Islands there are now many settlers who are manufacturing rope from the flax, either purchased from the Natives, or obtained from the leaf by some plan of their own ; but this is accomplished, solely by the manual labour of one or two individuals, and on a very limited scale, for the supply of local wants. Until some machine, simple and cheap in its construction, capable of being multiplied in its power, with facility, either by water or steam, is invented, the valuable indigenous flax of New Zealand will not become a staple commodity, or an article of export from the Colony.

The Whale-fishery has also been mentioned as one of the sources of future wealth to the colonists of New Zealand. This branch of commerce is carried on in two ways—either by vessels that remain absent

from their port for a certain period, which is termed "deep sea fishing," or by establishments in the large bays on the coasts, who watch for the whales resorting to the bays at certain seasons to calve, which is denominated "shore fishing."

The former requires large capital, and it can be conducted as profitably, and with a better outfit, from England, as from the colonies adjacent to the fishing ground; therefore it cannot be considered as a resource peculiar or exclusive to the Colony.

It has also been imagined that New Zealand, being so near to the Southern deep sea fishery, now that it has become a British colony, must and will be the rendezvous of vessels engaged in that trade, and that ships will resort to the various ports to refit or to obtain supplies. This opinion has doubtless arisen from the Bay of Islands having been, for many years past, the rendezvous of French and American whalers, whose numbers far exceed those under the British flag. But the fact is well known, that so soon as the British Government was established, the whaling vessels entirely deserted the Colony, and they now resort to Tahiti, the Feejees, the Navigators', and the other numerous islands of the Polynesian group, near to the equator, where they obtain fresh provisions and wood, at a much cheaper rate than they can, at present, in New Zealand. Besides, these whaling vessels prefer what they term free ports, and places unfrequented by any shipping but of their own description, for various reasons. Exclusive of port dues, there is the risk

of losing some of their crews, in a harbour with many other vessels, and where there are the opportunities of a large settlement for concealment and escape. Likewise, in frequenting the Bay of Islands formerly, or any other free port, the foreign whalers could barter their oil and bone, in payment for whatever provisions and stores they required, and in the absence of all customs restrictions, the oil and bone, subsequently, could very easily be added to the cargo in a British colonial bottom, and be sent to Sydney. But this can no longer be carried on in New Zealand; and it will never answer the purpose of the English store-keepers to pay the heavy duty on oil out of a foreign bottom, and then tranship it to England. This branch of custom will be very perplexing and expensive to Government, to prevent the surreptitious introduction into the Colony of oil and whalebone, from French and American whalers, when on the coasts. The duty of £26. 12s. per ton, is for the protection and encouragement of British shipping, and if great care and vigilance are not exercised by the customs of New Zealand, the law will be evaded to a very great extent.

As to "shore fishing," the produce from such stations is diminishing annually, and will very soon be altogether extinct, from the indiscriminate slaughter, during the last fifteen years, of both the dam and her young. The shore whalers, as soon as the cow,—as the female is termed,—visited the shallow waters with her offspring, made a practice of killing the calves, of no value, in order to secure

the mother, for the latter will never leave her offspring, and thus they have most effectually destroyed an important lucrative trade.

At present there is no export of any consideration, and the few articles of native produce—pigs, maize, and potatoes, which of late years have been exported to Sydney, will now cease to be profitable and available for that market, on account of the wants of, and consequent good prices realised from, the new emigrants by the Natives, who are becoming daily more sensible of the value of their produce, and also of their labour. The days of figs of tobacco, pipes, nails, and fish-hooks, are past, never to return. The Native now knows the real value of his timber, pigs, maize, and potatoes, and is quite indifferent to disposing of them, unless at a good price, cunningly conceiving, that as they have so suddenly risen in value, and become articles earnestly sought after by the "*Pakeha*," that they will become still more so by his reluctance and obstinacy in not parting with them.

CHAPTER II.

LABOUR AND AGRICULTURE—DISTINCTION BETWEEN NEW SOUTH WALES AND NEW ZEALAND—SHEEP AND WOOL—CONVICT LABOUR—ROADS, BRIDGES, ETC.—ASSIGNED SERVANTS—NATIVE LABOUR IN NEW ZEALAND—AGRICULTURE IN NEW ZEALAND—LABOUR AND EXPENSE OF CLEARING—CORN AS AN EXPORT—SMALL FARMS—CLASS OF EMIGRANTS ADAPTED TO NEW ZEALAND—NEW ZEALAND THE SEAT OF MANUFACTURES.

THE rapid rise and progress, and consequent wealth of the Australian colonies, during the last fifty years, may lead to the supposition that New Zealand, more especially from its climate and soil being superior and more adapted for agriculture, will progress as rapidly to importance and wealth.

It is not intended to enter into a discussion of the comparative advantages and disadvantages between a penal and free colony. The following observations are made solely with a view to shew how different are the means and power in the first formation of the two colonies, and consequently how fallacious will be any deduction as to the future success and prosperity of New Zealand, without giving full and due consideration to the real circumstances in which it is now primarily and comparatively placed.

The natural resources, capabilities, and products of New South Wales, are not only totally different to New Zealand, but there is another most im-

portant fact to be remembered—the powerful and abundant means the former colony has possessed ever since its formation, in *convict labour*, to open and render productive and profitable the natural resources of the Colony. From the foundation of the settlement in Sydney in 1788 these means have increased in arithmetical progression, acting proportionately for the lasting benefit of the settlers.

In New South Wales, during the present century, there has arisen an export, which has multiplied ten thousand fold its wealth, and it is a staple of the Colony, produced in consequence of the facilities and continual supply of assigned gratuitous labour. The increase of stock, as well as of annual product of *Wool* from sheep farming, on vast plains and uplands, at no expense of rent or outlay of purchase, are too well known to be here recapitulated.

The Colonists in New Zealand can reckon on no such source for a staple commodity. Independent of the periodical rains at the change and full of the moon, rendering the land too wet for sheep, there are no uplands or downs, or plains adapted for such pastures. The country is either mountains and chains of hills, covered with timber,—or plains and table lands, covered with high fern and shrubs,—or else low alluvial marshy grounds. It is true that sheep could find food from the small indigenous grasses, and young shoots of fern, that continually are springing up on the comparatively level lands ; but, the fleece would be daily torn from their backs, in obtaining their daily food, during their rambles

in the bush. There are likewise many spots wherein artificial pastures, to a very great extent, in the low marshy grounds, on the banks of the rivers, can be created, which will be admirably calculated for the rearing, grazing, and fattening of stock ; but, it is well known, that such rich pastures, while they render the carcase of a sheep fat, and valuable for the butcher, at the same time deteriorate and diminish the value of the fleece. In Saxony, sheep intended for slaughter are fed in different pastures, and kept quite separate from the flocks for wool. Moreover, the original cost, with subsequent expense of enclosing and laying down such lands in good pasturage, would quite prevent their appropriation to the feeding and rearing of sheep for the fleece.

In New South Wales, the flockmasters consider it indispensable for securing good and plentiful fleeces, that their run of pasturage should be equal to, from three to five acres, for each sheep ; therefore, it may be easily conceived, how utterly impossible it will be, to create an export of wool, of any quantity or value, from a Colony in which there are no natural pastures adapted for such farming, and likewise in which the area is limited, and of which every acre has an owner, either European or Native.

But the still greater advantage to an infant Colony, has been the application of convict labour, in the towns of New South Wales, for the streets, public buildings, &c. at no expense to the settler. In like manner, excellent roads and substantial bridges, for great distances into the interior, affording communi-

cation to the various districts, and giving access to those boundless pastures, on which is raised the staple export of the Colony, at little cost, and immense return to the settler. As the settlers have increased, and new districts have been required for their location, road gangs of these labourers are laid on in great numbers, whatever may be the distance. Mountains have been cut through,—ravines filled up,—bridges built over rivers,—roads cleared through the bush, and thus has been accomplished one of the most indispensable requisites, yet most instrumental means of success, to the exertions of inhabitants in any country or colony,—good roads communicating in every direction. This great measure of forming roads, bridges, &c. in New South Wales, has required no pecuniary advance for dear labour, on the part of Government, to be charged against the Colony at large. It is neither expense to the Government, nor,—except the trifling tolls,—to the settlers. It is merely fulfilling the sentence passed by the mother country, at whose expense they are transported and maintained. From the increase of convicts, in latter years, if there had not been such sources for their labour they would perhaps have been employed in some less beneficial undertaking. In improving the Colony, by thus establishing such excellent roads, and communications throughout the country, was created indirectly some return to the mother country, for the expense incurred in transportation, for it induced much emigration, which consequently occasioned large sale of Crown lands, with great increase of Colonial revenue.

In the year 1836, the number of prisoners employed on road and chain gangs, in the construction of bridges, and formation of roads and streets, was (2173) above two thousand. These prisoners are only an annual expense to Government, for food, &c. of £10. each, or £20,000. per annum, half of which amount is only charged to the Colony. In New Zealand the same quantity of free labour would cost £180,000. per annum, at thirty-five shillings per week, each labourer, which is low wages in a new colony.

In the towns of New Zealand, streets must be formed, and roads, bridges, &c. are indispensable for access to the interior and agricultural districts; and it will require a very large advance to the Colony by Government, for that purpose only. If Government do not undertake them in the first instance and quickly,—Crown lands will be unsaleable, for no person will purchase inaccessible property, at any price. In all such undertakings, where labour is so exorbitantly dear, and in a country covered with bush, swamps, and woods, intersected by ravines and rivers, the expense cannot be previously calculated, or even limited; therefore, it will be perfectly impossible, for the early settlers, most of whom are of small capital, to bear such expense.

In addition to this great advantage of the formation of excellent roads, throughout the Colony, the settlers in New South Wales, have had another incalculable benefit in *assigned labour*. To every class and description of settlers, this must have been in

the early days of the Colony, most instrumental to their success; but more especially to the agriculturist and flockmaster, for it not only afforded them almost gratuitous labour, but it was that on which they could always depend in their operations; and they were not subject or liable to be deserted of all assistance at a moment's notice, and more frequently without any warning at all,—either from caprice, or from the temptation of higher wages, elsewhere, which is the daily practice and occurrence in every new colony where labour is scarce and free. In New South Wales, on the 31st December, 1836, the number of convicts, in private service, as assigned servants, was *twenty thousand nine hundred and thirty six*; on the 31st December, 1840, the number was *twenty-one thousand eight hundred and fifty*. Calculations have been made as to the amount of capital, which has been created in New South Wales by this saving, in the actual expenditure by the settlers, for labour, since the formation of the Colony; and it has been estimated to be above twenty-five millions sterling.

It may be imagined that, in New Zealand, the settlers will have the benefit of an equivalent, at least in a great degree, to the assigned labour of New South Wales, in the labour and assistance to be obtained from the native population, who are so numerous, and to be found in every part of the North Island. But observation and experience of the habits, manners and wants of the Natives will prevent any dependence on them, for the supply of

regular efficient labour. Like all savages, in climates where, by little labour of cultivation, they can obtain food, they are naturally indolent. When stimulated to any extraordinary labour, it is from sudden impulse, to gratify some desire to obtain some novelty of dress,—some trifle,—or some implement of husbandry, that has attracted their attention, in the possession of the Europeans.

Their absolute wants are very few, and although they are perfectly sensible of the advantages of civilized life, yet they prefer their own free unrestricted habits. The cultivation of their lands is their favourite employment, and it is only at the various periods of the seasons, when these do not require their time and attention in sowing, planting, clearing the ground from weeds, and gathering the crops, that they can be induced to perform any labour for the settlers. Novelty and change in their employment for the *Pakeha*, is another inducement with them, which, as soon as it becomes familiar, ceases to attract, although it may be easy and profitable. They are very sensible of their own interests and very acute in all their dealings, and all information that can affect them essentially, is soon communicated throughout the whole native population.

The increasing demand for the produce which they raise, of potatoes, kumeras and maize, as well as for their pigs, has taught them the advantage and profit of increased cultivation of their lands, beyond their own wants, for the winter season, and

therefore, it is far more consonant to their habits, to apply themselves to such extra labour than undertake the work, for many hours, of the Europeans. Labour on their part being at present not a necessity, they will only exercise it on their own terms, and the regular rate of daily wages, given now in Auckland to the natives, for landing timber, goods, &c., is one dollar of four shillings ; and then they require, from their natural indolence, constant superintendence.

It must, likewise, be recollected that the Natives, have now a source of wealth, in the disposal of their surplus land to Government. This purchase money does not become the exclusive property of the chief, but is shared and distributed, according to their individual rights and portions in the land, among the whole tribe, and thus they are supplied with blankets, tobacco, clothing, and with any particular thing they may desire. They have become also fully acquainted with the power and value of money, and they generally stipulate that part of the purchase is to be paid in gold.

In the course of time, and in another generation, when they have more absolute wants, they may assimilate more to the constant industrious habits of the Europeans ; but at present, it is perfectly Utopian, to imagine they can divest themselves, at once, of fixed natural habits, more especially, when it is considered that they actually possess and enjoy comforts, quite unknown to them, until the English Government, and such numbers of settlers, established themselves in New Zealand.

The present great wages of mechanics and labourers in the Colony, is almost a prohibition to all undertakings. As the land claims are adjudicated, there will be still further demand for labour; therefore, the difficulty and expense of all agricultural pursuits will be increased, and operate against any natural advantages, and unless an abundant supply of labour is sent direct from England, the rise and progress of the Colony will be retarded.

From the temperature of the climate, the fertility in some districts of the soil, and the still greater advantage, of the security of the crops against drought, New Zealand has been considered peculiarly adapted for Agriculture, and is anticipated to become, ere long, the *granary* of Australia. But farming operations on a large scale, with a view to repay the Agriculturists, by producing not only sufficient grain for the consumption of the settlers, within the Colony, but such super-abundance as to render *Corn* a staple export, cannot be attempted in the present state of the Colony, unless by a large outlay of capital, with certainty of no immediate return, and with a risk hereafter, not only of small profit, but of some loss.

The very nature and circumstance of the country, must render the progress of Agriculture in New Zealand, slow and gradual. The reasons are,—the scarcity and high price of European labour, for the farmers can reckon on no other ;—the indispensable necessity, and consequent labour and expense of inclosing all cultivated areas ;—and the further cost

of time and labour, in clearing the ground, whether of timber, or of fern.

In New Zealand, the lands most adapted for, and which will be the least expense to clear, as well as best repay for cultivation, are those on which the fern grows to a great height. It is on the richest soil, that this plant most luxuriates, and having, for ages, been incessantly vegetating, without molestation, in the same spots, the roots of the decayed plants, have, from time to time, become the soil for their own seeds, and, now, form a continuous, accumulated mass, combined with the original soil.

In preparing the ground for agricultural purposes, to extricate these roots, and thoroughly cleanse the soil from them, is a task more difficult, laborious, and expensive than may be imagined. The roots are of great length, very tough, interwoven, and matted together, to a depth of eighteen inches, and frequently more. A spade is quite useless; and a plough, if dragged through, it must be with more than ordinary power, and that does not accomplish the purpose. The only effectual mode is that of the Natives, which is this;—the tool or instrument is a strong, rather elastic pole, about eight feet long, pointed at one end, at about eighteen inches from which they make a step, on one side, by tying a crooked bend of a branch to it, with flax. Three natives are employed: they point their poles into the ground, about two feet from each other, but placing themselves in the form of a triangle; they then, simultaneously, jump on the step, and force

the pole to that distance into the earth, then throw all their weight, by holding with both hands, on the other end of the pole, and thus they tear up a mass of roots, which they leave on the ground until dried, and then burn them. This operation is most laborious, and requires great personal agility and strength, from the closeness and tenacity of the roots.

After such preliminary clearing, the ground must be well ploughed, or trenched deep, with the spade, to remove the remaining roots and fibres. If the earth is not completely cleansed,—in a very short time, the whole surface will be covered with young sprouts of fern, similar to an asparagus bed.

The Natives very rarely take fern land into cultivation, on account of this great labour, and likewise, from the certainty of fresh fern again appearing quickly. They select generally for cultivation, some spot well sheltered from the prevailing winds, in a sloping ridge that it may drain well, on which certain trees are growing, which give them indication of the nature of the soil. The trees they burn off, leaving the trunks and principal branches of the largest trees, and then they plant their potatoes in the intervening spaces.

These difficulties being overcome, and the land in a proper productive state, the question then follows, whether the prices to be obtained, in the markets, open for export, will compensate the agriculturist. The home market, for a small population, will be amply supplied by limited cultivation.

In New South Wales, which would be the principal, and in fact the only, market for New Zealand, the uncertainty of the seasons, and the danger of drought, prevent cultivation of lands for grain, to any extent; but, in favourable seasons, it produces sufficient for the consumption of its population, which is now about one hundred thousand.

It is true, that the prices of wheat and flour, fluctuate considerably in that Colony, more especially in anticipation and on the actual occurrence of a drought; but the droughts of New South Wales are more seriously felt in their effects, with respect to the supply of herbage and water for cattle and sheep, than they are as to the supply of corn and flour, for the food of the population. The very anticipation of a dearth of corn, immediately prompts the merchants at Sydney, to send to South America, about six weeks voyage, for wheat and flour; and then, as is generally the case in all articles of commerce, a glut follows a scarcity, and prices fluctuate proportionately, and with sudden and great variations.

A few large cargoes of an article, liable to damage and perishable, among, comparatively, a small population, affect prices immediately, more particularly as the grain from South America can be imported into New South Wales, at a very low rate, and is almost certain of yielding a profit to the importer at moderate prices.

Wheat and flour can be shipped on board, in the ports of South America in average crop seasons, the

former at the rate of 25 to 28 shillings per English quarter of eight bushels, and the latter at 9 to 10 pounds per ton, which is in the ratio of 22 to 25 shillings per sack of 280 lbs.

In addition to the competition of South America in the Australian market, the New Zealand agriculturist will have to compete with Van Diemen's Land, in which colony large quantities of grain are now produced and increasing annually, and where the farmer has still the great advantage of a continual supply of convict labour.

However, notwithstanding these remarks as to *large* farms, the class of emigrants to which New Zealand at present offers the most certain advantages and success, are those who have been accustomed to husbandry. If such persons, having families, would be content with small farms of twenty to fifty acres, according to their means for outlay in stock, and buildings, and then, by their own personal industry and labour, cultivate the land, and rear cattle, poultry, &c., with moderate views and expectations, looking to frugality, perseverance and time, to acquire competence and independence, instead of resorting to land jobbing, and speculation for sudden wealth, they would be certain of success in their undertakings, and of realizing property in a very few years.

The Islands, if colonized principally by this class of small yeomen, such as in olden times abounded in Great Britain, before war prices,—high rents, and the system of farming on a very large scale

exterminated them, would very soon produce sufficient food for the whole Colony;—for such farms would be far more productive and economically cultivated than large extents of land by expensive labour, and the former would be far more profitable to the proprietor than the latter. The face and localities of the country are suited for such partitions. Excepting the extensive fertile plains on the banks of the rivers Waikato, Waipa, Piako, and Thames, in the middle of the North Island, the principal spots of rich alluvial soil,—where artificial pastures for grazing, and the most prolific and profitable crops are to be produced—are, for the most part of limited extent, and situated in the valleys, on the banks of rivers, or in the small bays, which abound along the coasts. These comparatively small pieces of land are detached from each other by low ridges of hills, covered with wood, although there may be many surrounding the same bay, or on the banks of the same stream running into the country; very similar to the sheltered, verdant, peaceful glens in Scotland, in which is seen the small farm-house and homestead surrounded by a few acres of land, tilled by the industry of its inmates. They appear as if purposely intended by nature for pastoral abodes and pursuits; while the beauty of the scenery,—richness of the soil,—and the never failing supply of fresh water in the rivulets of the hills, indicate sufficient extent to occupy the attention, and satisfy the wants, as well as supply comforts, of any individual of contented mind, and moderate expectations.

Moreover, this class and description of emigrants would counteract the extravagant price of labour. If a settler occupies a small farm—and he and his sons cultivate the land, while his wife and daughters rear poultry, attend the dairy, &c. without any expense of other assistance—they are creating an active capital, and increasing property, not only for themselves, but for the Colony at large. Such settlers ought to receive the greatest encouragement, and as it is the agricultural districts of England which most require being relieved from surplus population, there can be little difficulty, if some pains were bestowed by the Emigration Commissioners, in finding out numbers of such characters, in the counties of England too thickly populated. They should possess some little means, in order to purchase a few head of stock for ploughing the land, and for breeding, and likewise to provide themselves with provisions for the first two years, before which period they could not expect any crops from the land; although, after a few months settlement, they would have abundance of poultry and vegetables.

If New Zealand, by the power and means of abundant and judicious emigration, becomes extensively cultivated, and plentifully stocked with cattle, so as to render the necessaries of life very cheap, and consequently diminish, proportionately, the price of wages, it will most probably become, ultimately, like England, the seat of most lucrative and extensive manufactures. In addition to moderate wages and cheap food, there would be the further impor-

tant auxiliaries of Coal, Timber and Clay, with endless excellent localities, on rivers or shores, having water communication; the cheapest of all transit, and greatly to be considered, in establishing manufactories of any magnitude. Without these indispensable requisites, no manufactures can be attempted, with any chance of success, however plentiful and easily obtained may be the raw materials. Possessing these, New Zealand would then bring into profitable production, her *timber* for shipbuilding; *flax* for canvas, ropes, &c.; *copper ore* for sheathing her ships, and all other purposes; *sulphur* for brimstone, &c.; *alum* and *dyewoods* in manufacturing the wool of Australia or the cotton of India; *tan* for leather from the hides of her own cattle, or from Australia and South America; *tobacco* could be likewise manufactured; *breweries* and *distilleries* from barley and hops of native growth, &c. &c.

Therefore, seriously considering the actual resources and productions of the Colony,—the proximity and relative position of Great Britain to her Canadian Colonies and to European States, wherein labour is plentiful, and whose staple products are similar to the natural productions of New Zealand, viz. *timber* and *flax*—it is far more rational, to conceive that, instead of attempting fruitlessly to compete, in the exports of *raw produce*, the colonists, in the first instance, will endeavour to render themselves independent of any other Colony, English or Foreign, for the supply of food, by applying themselves to agricultural pursuits, and when food

and labour are cheap, they will direct their capital and energies to bring into play the other natural products, in manufactures, for their own wants, as well as to supply Australia, India and China, and Spanish America, all of which are not far distant.

CHAPTER III.

REVENUE AND EXPENDITURE—TAXES IN MAURITIUS AND CANADA—EXTENT OF COAST IN NEW ZEALAND—ESTIMATES FOR 1841-1842 — CIVIL ESTABLISHMENT — CUSTOMS — MOUNTED POLICE—INSTANCE OF NATIVE TACT—ABSTRACT OF GOVERNMENT ESTIMATES.

THE Revenue, to pay the expenses of Government, in Colonies appropriated to Emigration, such as the Australian, is derived from two sources, and termed *Ordinary* or *Fixed Colonial Revenue*, which is the produce from Customs and Excise Duties, and the other denominated *Extraordinary* or *Incidental*, which arises from the sales of Crown Lands.

If a Colony cannot raise sufficient from such sources, the colonists will be burdened, with internal taxation, on their property and domestic trade, like the Mauritius and Canada. In the Mauritius, there are taxes, on fixed or immoveable property, on every thing sold in the market or bazaars, on all boats and vehicles, besides many other imposts. In Upper Canada, there are local taxes, rated, at one penny in the pound, on the value of all property which is assessed, and fixed by law; as every acre of uncultivated land is valued at four shillings,—every acre of arable, pasture, or meadow land, at one pound. All stock, houses, mills, stores, shops, carriages, waggons, &c. are valued and assessed, in the same manner.

In the formation of the Roads and Highways, in Upper Canada, it is law, that every person, so assessed, is held liable to work on the roads, &c. a certain number of days, in each year, in proportion to the value of his property. Thus, a person whose assessment is twenty-five pounds, must work two days, with an addition of one day, for every additional increase of twenty-five pounds, up to one hundred, and above that sum, an additional day, for every fifty pounds augmentation. All male inhabitants not assessed, are compelled to work, three days in each year, on the highways. But persons may be excused, by paying two shillings and sixpence for each day's assessment or duty; all waggons, carts, and teams of horses, or oxen, are liable to three days work, for the same purposes, but the owner can compound, by paying five shillings for each day's service. These fines are applied to the Road Fund.

If similar expedients are adopted in New Zealand, taxation will fall heavily on a small population, and be a certain preventive to emigration.

By deficiency of the revenue, the Government expenditure of the Colony will be an annual charge on the mother country; and should that charge become considerable, it will then be matter of consideration with the parent state, whether the Colony, from its geographical position, being too important to be in the possession of other powers; or, as a market for British manufacture, and employment of British shipping,—is of such value and conse-

quence, as to justify, and compensate for, such expense. There are no British colonies that are a charge on the Home Government, except Canada, St. Helena, and a few of the smaller West India Islands.

Unlike, as New Zealand is, in the circumstances of its formation into a British colony, to others, so it is, likewise, in the primary expenses that Government must necessarily incur,—disproportionate to the present population, and bearing no analogy to the early expenses of other colonies.

When New South Wales was first colonized,—and in other colonies it has been the same,—the early settlers were congregated at one spot, Sydney; the duties and expenses of the Government were limited, and only increased as other places became occupied, the direction and distance of which, from the chief settlement, were entirely under its controul.

The Colony of New Zealand is almost wholly coast; for the breadth, of both the North and Middle Island, is small in comparison to the length. The coast of the Islands, from their irregular form, and the sinuosities of the shores, cannot be computed at less than 4,000 miles. The whole of this distance abounds with innumerable harbours and bays, adapted for settlements, affording every facility for coasting trade, and, by the rivers and creeks running into them, communicating with the interior. It is in these situations, principally, that there are claims for land, which, as soon as they are decided, the proprietors will be endeavouring either to sell, or to form there establishments of their own. In

either case there will be a population scattered along the shores of the three Islands, distant from each other, entitled to the laws of British subjects, and requiring branches of customs and police for the protection of the revenue. Spirits are the greatest source of *fixed colonial revenue*; and the high duty of four shillings per gallon upon the cheap rum, arrack, and gin, that are imported into New Zealand, renders smuggling a most profitable trade; while the very great facility of the shores, abounding with sheltered havens, and secret creeks, will greatly induce all such contraband operations.

Thus a machinery of Local Government must, at once, be established on an extensive scale; and an analysis of the Estimates of the first year, 1841-1842, of the colony will elucidate the previous observations.

The Estimate of the probable expenditure and revenue of the Government of New Zealand, for one year, commencing 2nd May, 1841, was ordered, by the Legislative Council, to be printed in July, 1841.

The Abstract of the Expenditure is placed under nine branches of service, viz. :—

1. His Excellency the Governor	£.	s.	d.
and Judge - - -	2,200	0	0
2. Civil Establishment - -	16,609	16	10
3. Survey Department - -	6,164	12	6
4. Department of Public Works	5,354	0	0
5. Judicial Establishment -	3,068	11	3
6. Police and Gaols - -	7,957	9	3
7. Ecclesiastical Establishment	450	0	0

8. Schools Establishment	-	140	0	0
9. Miscellaneous	-	8,977	13	6
		£50,922	3	4

The Civil Establishment comprises various departments, the expenses of many of which, notwithstanding they are apparently large, for the very first year of a new colony, will be, most probably, very soon, and very much increased. The branch of service of the greatest importance in the Civil Establishment is the Customs, as on its efficiency will depend, in a great measure, the amount of revenue; and to render it effective, numerous local establishments must be immediately formed, and consequent expense incurred, without reference, in the first instance, to any revenue. The expense of the Customs is estimated for

Auckland—Collectors, &c.	-	£1,470
Russell—Sub-collector, &c.	-	830
Port Nicholson—Sub-collector, &c.	-	830
		£3,130

It must be very evident that this branch of service will require very great additions, as well as that of the Colonial Treasury. "*New Plymouth*," and "*Nelson*," will demand the immediate attention of Government; and, in fact, every spot on the coasts, such as Hokianga, Kaipara, Manakao, and numerous other places, wherever emigrants and settlers may be established in any number.

The Customs—by the “ Estimate (No. 2.) of the probable amount of revenue for the service of the Government of New Zealand for one year”—is regarded as the largest source of ordinary or fixed revenue ; and the amount, anticipated during the ensuing year, is £13,000. On reference to the table of duties of Customs, it is very clear, that there cannot be any other great source of revenue, under the Customs, but the duties on spirits and tobacco,—to evade the high imposts of which, previously mentioned, is great inducement to smuggling. The present establishments, at the three towns named, are inadequate to prevent and detect contraband transactions, except just within the towns. Therefore, if the Government intend to reckon on the Customs, chiefly, for its ordinary, or fixed revenue, the expenses must be anticipated at a far greater amount than that named in the estimates, particularly if every new settlement, in proportion to its numbers, is to have an establishment similar to Russell and Port Nicholson. In New South Wales the Customs Duties, in 1836, produced, on spirits and tobacco, the sum of £144,560, being three-fourths of the whole ordinary or fixed revenue, £193,871. The expense of the Customs for the same year was only £8,258 ; and the total population of New South Wales in 1836 was 77,096 of Europeans.

Sydney being the only place, comparatively speaking, to which spirits are imported or landed in New South Wales, the expense of the Customs is very

small, in comparison to the revenue and population ; but, as previously observed, the peculiar features and coasts of New Zealand render all revenue laws easy of evasion and infringement, as well as all duties of customs, proportionately expensive and difficult in collection.

An instance of this occurred in 1841.—A schooner, the *Look-in*, left Sydney in August, clearing out for New Zealand. She was anticipated in Auckland for some time, and at length being out of date, was supposed to have been lost in the heavy gales at the end of August. However, in the "*Wellington Spectator*," of Port Nicholson, of the 4th September, 1841, the following paragraph appeared :—

"We have heard that the *Look-in* is at Kapiti (Cook's Straits) disposing of her cargo. She ought, if possible, at once to be seized, as prompt action at this early period would give a check to this illicit trade. Should she come in here, and her cargo not agree with her manifest, the collector of the Customs would be justified in seizing the smuggler. The merchants of this place can never compete with Sydney, if, on the one hand, they are to pay heavy duties, and on the other are deprived of their trade through means of this kind. The collector of the Sydney customs should know, that there is no such port of entry as New Zealand. To grant clearances of this kind is to mislead those interested in these vessels, or to aid and abet in the robbery of Her Majesty's Exchequer."

Under the head of *Civil Establishment* is an item,

for "Commissioners for examining into titles to land £2450." This is a branch of service, although requiring addition of numbers, to insure immediate settlement of all claims, will not incur any increase of expense, as the fees payable on the registration and hearing of each claim, are sufficient to counter-balance the salaries of the Commissioners.

The third branch of service, *Survey Department*, being a charge on the proceeds from the sale of Crown Lands, should be charged under the head of *Land Fund*.

The *Police* and *Gaols* might well be included in the *Judicial Establishment*, which is the practice, in all Colonies that are not penal. Under this head, there must be also great increase, for the due administration of justice, and protection of persons and property, of the new additional settlements that will, from time to time, arise. Courts of Session and Requests are already established at Auckland, Russell and Port Nicholson. There are, likewise, Police Magistrates with constabulary force, at six places, viz., Auckland, Russell, Port Nicholson, Hokianga, Akaroa and Cook's Straits, at an annual expense of £5,698. 5s. exclusive of the additional sum of £1,347. 1s. 2d. for *Mounted Police*, consisting in number of one lieutenant, two non-commissioned officers and eight troopers. This force is quite unnecessary, where there are not any convicts, and in case of the escape of any prisoner or delinquent, its service, as a *mounted* force, would be of no avail in pursuit in the bush.

In all such instances, the Natives are by far better pursuers than any European, both from their intuitive tact in discovering the least track, and their knowledge of every spot, likely to afford retreat and shelter in the bush. If the native chiefs were properly instructed on this subject, and adequately rewarded, they would fulfil the duties of a rural police force, most effectively; and the knowledge that they were so empowered, to detect and apprehend, would prevent the interior from being the retreat of runaway sailors and other offenders.

Of the intelligence and ability of the natives, in this respect, the following fact is a striking proof. In January 1841, a sawyer, in the employ of a settler between the Waitemata and Kaipara, had come to Auckland in a boat with his master; and was there arrested, on charge of being a runaway convict, and one of a gang who had shot one of the mounted police in New South Wales. The man was committed to the Government store, there being, at that time, no other place of confinement for prisoners, and while there, in custody of a constable, he was an object of curiosity to the natives who might happen to come to the town.

In a short time, the sawyer contrived to get out of the store in the night, and, stealing the boat of his master, made his escape. Diligent search was fruitlessly made for him. In about a fortnight afterwards, he was brought into Auckland, by the natives, headed by a young chief of Hokao, adjacent to Orakei, named Tautori, and the facts, which

led to his apprehension, evince the acute intelligence of the natives.

It appears, that Tautori had been to Kaipara, on a visit to some of his relatives, previous to which, he had frequently seen the prisoner in the Government store. The man, on his escape, had returned to the station of his master, to collect his property, and then had started across the country, towards the river that runs into Kaipara, in order to reach the western coast. He had proceeded as far as the native village or Pa, in which Tautori was visiting, and endeavoured to persuade the natives to convey him, in their canoes, down to Kaipara.

Tautori immediately recognized him, and suspected, from his urgency to obtain the services of the natives, and the money he offered to them, that he had been robbing the Government store, at Auckland. He questioned him, and as he related a very improbable tale, Tautori told him, that he should take him back to Auckland, to ascertain the truth of his statement. The man was immediately put under the guard of two armed natives, and the following morning, Tautori started, with an escort of ten natives, armed with double barrelled guns, the prisoner in the centre, to prevent any rescue from white people. When they rested at night, in the open bush, he was fastened to a native by each arm, with flax, and after five days circuitous, long and rapid march, round by Manakao, to avoid his companions, he was brought into Auckland, almost exhausted with fatigue. The man

himself, declared, that to escape from them was impossible, and the rapidity with which they obliged him to travel, with scarcely any food, in the height of summer, was most harassing. Their tact, in bringing him across the country, was equally evinced on their approach to Auckland. Tautori and his little band, armed to the teeth, had been seen one morning, on one of the native paths between the Waitemata and Manakao, going towards Orakei, at a rapid pace ; but, in the afternoon of the same day, the prisoner was accompanied into Auckland, by Tautori in his European dress, and a few natives, all unarmed, merely as his companions. They were quite aware he was secure, when they reached Auckland, and they had disarmed themselves, at Hokao, to prevent any excitement, which their formidable appearance might occasion, on approach to the residences of the Europeans. The reward that Tautori and his companions received was very small, and disproportionate to the service rendered. A pair of trowsers for Tautori, a waistcoat for another chief, and a few common check shirts among the rest, was the whole compensation,—and, naturally, they were not satisfied. It was urged, that it was sufficient for *natives* : but this is as unjust as it is impolitic. The question is, simply, what service did they actually perform? And if, at some future time, a similar occurrence takes place, and the natives let the delinquent escape, by not interfering, how false and short-sighted the economy! In this instance,

ten natives had left their home and occupation, had travelled through the bush, five days, nearly fifty miles, and had to return. They were entitled to liberal reward, and it would have been good policy to have so rewarded them, that the liberality of Government, for such acts of the natives, should have been spread, far and wide, among them. The reward to any person, securing a runaway convict, and lodging him in custody, is, by the Government of New South Wales, fifty pounds; which, no doubt, was paid at Sydney for the apprehension of the man, who was sent there. The cost of the remuneration to the natives, was not above two pounds.

The last service, "*Miscellaneous*," contains many items, that could very properly be placed under the particular service, for which they are really expended; as, "*Land from the Natives*," £4000. and "*Roads and Bridges*," £2000. which, like the Survey Department, are a charge on the "*Land Fund*." The sum of £1000. for Churches, &c. should be charged under "*Public Buildings*." These sums would diminish an item, always objectionable, by its vague term of "*Miscellaneous*," to the sum of £1977. 13s 6d instead of £8977. 13s 6d.

This Abstract of "the Estimated Expenditure of New Zealand," might, it is conceived, be simplified and rendered more intelligible by being placed under the heads of service, to which they actually belong, and more especially when there are different branches of revenue in which certain expenses are chargeable.

Instead of the Official Abstract (see Appendix H),
as follows :--

Chargeable on Fixed or Ordinary Revenue.

1. His Excellency the Governor and Judge	£.	s.	d.
- - - -	2,200	0	0

2. Civil Establishment, viz.

Establishment of his	£.	s.	d.
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Excellency -	1187	7	6
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Executive and Legis-

lative Councils -	545	0	0
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Colonial Secretary

Department -	1885	0	0
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Colonial Treasury,

Ditto - - -	1125	0	0
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Customs, Ditto -	3130	0	0
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Land Commissioners

Ditto - - -	2450	0	0
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Post Office, Ditto -	525	0	0
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Colonial Store, Do.	450	15	0
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Harbour Master, Do.	1076	0	0
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Colonial Brig, Vic-

toria, Ditto -	1535	9	4
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Colonial Surgeon, Do.	364	12	6
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	14,274	4	4
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3. Judicial Establishment, viz.

Law Officers of the

Crown - - -	525	0	0
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Supreme Court -	620	0	0
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Courts of Session and

Requests - - -	1486	0	0
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GOVERNMENT ESTIMATES.

275

	£.	s.	d.	£.	s.	d.
Coroners - -	135	0	0			
Sheriff - -	302	11	3			
Police - -	5698	5	0			
Mounted Police -	1347	1	9			
Gaols - -	912	2	6			
				11,026	0	6
4. Public Works - -	-	-	-	6,354	0	0
5. Ecclesiastical Establishment -	-	-	-	450	0	0
6. School Ditto - -	-	-	-	140	0	0
7. Miscellaneous - -	-	-	-	1,977	13	6
				36,421	18	4

Chargeable on Extraordinary Revenue.

8. Land Department, viz.

Survey Department	6,164	12	6			
Protector of Aborigines - -	2,335	12	6			
Land from Natives	4,000	0	0			
Roads and Bridges	2,000	0	0			
				14,500	5	0
Total - -	-	-	-	£50,922	3	4

The second table in the Government estimates is the "Probable amount of Revenue for the service of the Government for one year."

Ordinary.

Customs - -	13,000	0	0			
Post Office - -	500	0	0			
Licences - -	2,400	0	0			
Auction Duties -	1,000	0	0			
Fees and Fines of Public Offices -	2,500	0	0			
				19,400	0	0

Extraordinary.

£. s. d-

Probable amount of proceeds of sales of Crown Lands, after payment of charges for Im- migration, Survey and Land Purchase - - -	}	18,917 13 9
		38,317 13 9

The third table is the "Statement shewing the appropriation of the Revenue arising from the sale of Crown Lands."

Probable proceeds from the sale of

Crown Lands - - - 50,000 0 0

Expenditure.

For Survey Department 6164 12 6

For purchase of Lands

from Natives - - 4000 0 0

Works indispensable to
give an exchangeable
value to the land, viz.

Roads and Bridges . 2000 0 0

12,164 12 6

Surplus of Land Fund - - 37,835 7 6

Fifty per cent. for charges of Im-
migration - - - 18,917 13 9

Amount available for the general

purpose of the Colony - - 18,917 13 9

These tables should have been transposed, for the second is the amount of the total revenue, and

takes some of its figures from the third table. In the latter will be observed the survey expenses charged under "Civil establishment," and the two largest items previously charged under the head of "Miscellaneous," in the estimates of expenditure.

Without discussing the grounds for such suppositious amount of the *Ordinary* revenue, or the probability of the proceeds of the sales of Crown lands, realizing in the ensuing year the sum of £50,000., the following extract from a letter from Mr. Vernon Smith to Mr. Somes, dated 2nd December, 1840, will show that both the foregoing estimates are erroneous, from the calculation of the sum to be available from the sale of Crown lands, for the general purposes of the Colony.

"It is purposed that at least 50 per cent. of the proceeds of such sales shall be applied towards the introduction of emigrants, the remaining 50 per cent. being regarded as chargeable with the expense of surveys, the protection of Aborigines, and with those indispensable expenses of the Local Government, for which it may be impossible otherwise to provide."

By this instruction, the accounts should be thus :

"Statement shewing the appropriation of the Revenue arising from the sale of Crown Lands."

	£.	s.	d.
Sale of Crown Lands	- 50,000	0	0
Fifty per cent. for Emigration	- 25,000	0	0
	25,000	0	0

<i>Expenditure.</i>	£.	s.	d.	£.	s.	d.
Survey Department	6164	12	6			
Protection Aborigines	2335	12	6			
Land from Natives	- 4000	0	0			
Roads and Bridges	- 2000	0	0			
				14,500	5	0
Amount available for the Colony	-			10,499	15	0

Probable amount of Revenue for one year.

<i>Ordinary.</i> —Customs, &c.	-	-	19,400	0	0
<i>Extraordinary.</i> —Balance from proceeds from land sales	-		10,499	15	0
Net Revenue of the Colony			29,899	15	0

The Official Estimates close with

Abstract Statement of the Revenue and Expenditure.

REVENUE.

Ordinary (No. 2)	-	-	-	19,400	0	0
Extraordinary	-	-	-	18,917	13	9
Excess of expenditure over revenue				439	17	1
				38,757	10	10

EXPENDITURE.

Aggregate amount (No. 1)	-	-	-	50,922	3	4
Deduct (No. 2)	-	-	-	12,164	12	6
				38,757	10	10

But the true and correct statement will be as follows :—

REVENUE.					£.	s.	d.
Ordinary	-	-	-	-	19,400	0	0
Extraordinary	-	-	-	-	10,499	15	0
					29,899	15	0
Deficiency of Revenue	-	-	-	-	6,522	3	4
					36,421	18	4

EXPENDITURE.					£.	s.	d.
Total amount	-	-	-	-	50,922	3	4
Deduct, Land Department	-	-	-	-	14,500	5	0
					36,421	18	4

By these estimates, it is evident that the expense of the Colony, for the first year, exclusive of the charges to be defrayed by the sales of Crown lands, is above thirty-six thousand pounds; and it may be reasonably anticipated, from the preceding observations, that it must very soon be increased, and if the Colony becomes more populated, such annual expenditure cannot be diminished.

On reflecting on the future expenses of the Colony, it must be remembered, that the present establishment of Customs, Justice, and Police, are for a few places only on the North Island. The Middle Island, which is larger than the Northern, already has settlers scattered along the coast, and in a short time they will require similar branches of the Government.

The *Fixed*, or *Ordinary revenue* anticipated this year by the estimates, is £19,400.; but this must be considered over-rated, for a population of

Europeans, not exceeding in the whole Colony ten thousand.

Until within these few years, the proceeds of Crown lands in New South Wales were *wholly* appropriated to meet the current expenditure of the Colony, under the head of “ *Extraordinary or Incidental Revenue.*” If the Government determine, in consequence of the expense of the Colony, to return to such principles in New Zealand, sales of Crown lands will rapidly diminish, if not altogether cease, for unless there is a supply of labour *pari passu* with the sale of lands, emigrants will never direct their course to a colony in which, as every spot must be cultivated, abundance of labour is indispensable.

The charges on the Land Fund, for the current year 1841 to 1842, are nearly fifteen thousand pounds. The probable amount of sales of land, during the same period, is reckoned at £50,000. The sum of £29,302. 7s. 9d. has, already, been realized by the sales of April and September, 1841. The sales of Crown lands, however, for the future, to any extent, are very doubtful, on account of the immense quantity of land that will come into possession of Europeans by land claims, and, likewise, from the plans, regarding emigration to the Colony of the New Zealand Company. These circumstances will tend very much to diminish the power and resources of the Home Government, for emigration, as well as render it questionable, if the plan previously quoted of Mr. Vernon Smith, be pursued, whether there will, ever, be any balance to be appro-

priated, as “*Extraordinary or Incidental Revenue*,” from Crown lands.

For instance: presuming, no further land sales take place during the current year, the account of the Land Fund would stand thus: according to Mr. Vernon Smith's instructions.

	£.	s.	d.
Proceeds of sale of Crown lands .	29,302	7	9
Deduct fifty per cent. foremigration	14,651	3	10½
	14,651	3	10½

Charges on Land Fund.

Survey Department	6,164	12	6
Protection of Aborigines - -	2,335	12	6
Purchase of land from Natives -	4,000	0	0
Roads and Bridges	2,000	0	0
	14,500	5	0
<i>Extraordinary or Incidental Revenue.</i> - - -	}		
		150 18 10½	

This would leave the “*Abstract of Revenue and Expenditure*,” in the estimates: thus,

<i>Expenditure</i> , (deducting charges on Land Fund)	..	-	36,421	17	4
<i>Revenue</i> , <i>Fixed</i> or <i>Ordinary</i>	-	19,400	0	0	} 19,550 18 10½
<i>Extraordinary</i> or					
<i>Incidental</i>	-	150	18	10½	
Excess of Expenditure			16,870	18	5½

With the instructions to Captain Hobson, on his appointment as Governor, on the separation of New Zealand from New South Wales, Lord John Russell forwarded a schedule for the civil establishment, &c. of New Zealand, as follows :

“ Estimate of the charge of defraying the expense of the Colony of New Zealand for the first year, which will elapse after the receipt there of the Commission of Captain Hobson, the Governor of the New Zealand Islands.”

NINETEEN THOUSAND THREE HUNDRED POUNDS.

SALARIES.	£.	s.	d.	£.	s.	d.
Governor .	1,200	0	0			
Colonial Secretary .	600	0	0			
Chief Justice .	1,000	0	0			
Attorney General .	400	0	0			
Surveyor General .	600	0	0			
Colonial Treasurer .	600	0	0			
Collector of Customs	500	0	0			
Protector of Aborigines . . .	400	0	0			
				5,300	0	0
Expenses of the above Establishments				6,000	0	0
Public Buildings and Rents				5,000	0	0
Contingencies . . .				3,000	0	0
				<u>19,300</u>	<u>0</u>	<u>0</u>

Colonial Department, 1840.

“ Estimate of the ways and means by which it is proposed to provide for the expense of the Colony of New Zealand for the first year, which will elapse after the receipt there of the Commission appointing Captain Hobson, the Governor of the New Zealand Islands.”

TWENTY THOUSAND POUNDS.

	£.	s.	d.
Duties to be levied in the Colony	10,000	0	0
Fund raised within the Colony	5,000	0	0
Proposed Vote from Parliament in aid of other heads of Revenue, if required	5,000	0	0
	20,000	0	0

CHAPTER IV.

PROPOSED MEASURES—INCONSISTENCY OF MEASURES AS REGARDS LAND CLAIMS—AS REGARDS SALES OF CROWN LANDS—SOURCES OF REVENUE—PROPOSED MEASURES—LAND TAX—COLONIAL LAND COMMISSIONERS—IMPORTED LABOUR—UNCULTIVATED LAND TAX—EXAMPLE OF A FARM—CULTIVATED LAND TAX—EXAMPLE OF THE LAND TAX—SMALL FARMS—FUTURE MEASURES.

IN the infancy of a Colony, it is most incumbent on the Parent State to devise such measures and to mark out a line of policy for the administration of its local Government, from due consideration of the peculiar circumstances attached to it, as may, as much as possible, be unalterable. Vacillation and indecision in the administration of Colonial affairs are far more injurious to the settlers individually, and to the prosperity of the Colony, than positive dogged adherence to questionable policy.

In the former case, as there can be no reliance on the time the local Government may have power to act, on any regulation, enactment, &c., persons will not embark property in any enterprise, and those who may be compelled or induced to settle, are shackled in all their proceedings, and in continual fear from alteration of circumstances, of loss of property, and annihilation of their hopes and prospects.

In the latter case, if the measures are question-

able as to their effects, or in some degree obviously injurious to the settlers and the Colony, they have the merit of being avowed and consistent, and therefore can, in some degree, be counteracted or avoided, and any change from them, instead of inflicting injury on any individual, only confers benefit on the whole community.

These remarks are suggested from two circumstances in New Zealand, even in these its early days as a British Colony, — regarding the measures for the settlement of Land Claims, — and also as to the sales of Crown lands.

By the instructions of the Marquis of Normanby, Sir George Gipps and the Legislative Council of New South Wales, in June, 1840, passed an Act for the appointment of three Commissioners for the settlement of land claims in New Zealand, when that Colony was a dependency on New South Wales, which was acted upon immediately; and subsequently, as detailed in a previous chapter, on New Zealand being separated, another Act with the same powers was passed by the Governor and Legislative Council of that Colony, on which powers the Commissioners have been constantly acting.

But since that period, Her Majesty's Home Government have determined to disallow that Act, and Lord John Russell, in a despatch, 16th April 1841, thus instructs Captain Hobson.

“I have laid before the Queen, the Act of the Governor of New South Wales, passed with the advice and consent of the Legislative Council of

that Colony, in the fourth year of Her Majesty's reign, intituled, "An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers to examine and report on claims to grants of land in New Zealand."

"Her Majesty has been graciously pleased to approve the general provisions of that Act, as well as the more particular details which it comprises. But circumstances, to which it was impossible that the Legislature of New South Wales should have adverted, will probably render the execution of it difficult, if not impossible. The separation of New Zealand from New South Wales will render obsolete and impracticable those enactments which require the interposition of the Governor of the older Colony. The arrangements which I have made with the New Zealand Company, will forbid the application of the Act, in its present form, to the case of the lands to be granted to them.

"To these considerations is to be added the remark, that I propose to commit these inquiries to the *single* Commissioner appointed by Her Majesty for that purpose, and not to three joint Commissioners as the Act has provided.

"For these reasons it appears necessary that a new law on the subject should be proposed to the local Legislature of New Zealand, to meet the various exigencies I have pointed out, and any others which your experience may have brought to light. Subject to such variations, the Act of New South Wales may be followed as a safe and proper guide.

“ Her Majesty has therefore been pleased to disallow the Act passed by the Governor of New South Wales with the advice of the Legislative Council of that Colony. But as difficulties may possibly arise in obtaining from the Legislature of New Zealand, the necessary enactment in substitution for it, or as the immediate disallowance of the New South Wales Act may be productive of other inconveniences, which, at this distance, it is impossible to anticipate, the Queen has been further pleased to authorize me to signify to you Her Majesty’s pleasure, that you do postpone the notification of Her Majesty’s disallowance of the Act in question, if you should be of opinion that the disallowance of it would, on the whole, be injurious to the public service. *In that case you will report to me the grounds of that opinion, and until you are in receipt of further instructions,* the New South Wales Act will continue in force in New Zealand, so far as it may be capable of execution, although of course subject to any amendments which may in the interval have been made by yourself, with the advice of the Legislative Council of New Zealand.”

By these instructions, if Captain Hobson should be of opinion that the Ordinance now in force, is the best measure for the Colony—he will postpone the notification of the disallowance until he reports his reasons and receives further instructions,—and thus all land claims, will be kept in abeyance for another two years.

With respect to Crown lands,—it was the instruc-

tion of the Secretary of State of the Colonies to Sir George Gipps in 1840 :—

“ In particular, with regard to the sale of land, it may be found impossible to realize the price of 12s. an acre ; while that price is not demanded, either in Sydney, or in Western Australia, or in Van Diemen’s Land ; Captain Hobson may therefore reduce the price to 5s. *per acre* until the higher price is the usual upset price in the Australian settlements.”

In the Colony of New Zealand, in consequence of this declaration, it was thought that such would be the principle and upset price of the first Government Sale of Country Lands.

However, in the early part of 1841, Her Majesty’s Colonial Land and Emigration Commissioners gave notice, that they were prepared to contract for the sale of Crown Lands, in the Port Phillip District of New South Wales, *New Zealand*, and Western Australia, at a *uniform fixed* price of £1. *per acre*, and likewise that as, in the Sydney District of New South Wales, land is sold by auction, at an upset price of 12s. *per acre*, the Commissioners would receive deposits, from persons desirous of purchasing land there, and give in return, orders, entitling the holders to credit for a corresponding sum, in the acquirement of land in the Colony.

This was a most material alteration in the previous regulations, while it certainly intimated, and so it was anticipated, that in accordance, the fixed

or *maximum* upset price for Crown Lands in New Zealand, although that Colony is not specifically named by the Commissioners, with reference to public auction, would be, if sold in that manner, *twelve shillings per acre*.

But Country Land was not to be obtained from the Government in the Colony of New Zealand itself, at an uniform fixed price, of *one pound per acre*, even without the presumed advantages, held out by the Commissioners, which a purchaser, at that price, had in England of a free passage, for adult emigrants he might nominate, at the rate of one labourer for every £20. of purchase money ;—and when the Country Land was sold by auction in September 1841, the Colonial Treasurer,—the official person having absolute controul over all Government Sales,—fixed, no doubt according to his instructions, the *minimum* upset price at *two and three pound per acre*.

The inconsistency, impolicy, as well as injustice to persons who had been induced to proceed to the Colony, on the faith of the previous regulations, of such proceedings, and of their prejudicial effects on the future prospects of the Colony, must be too obvious to require comment.

In considering and legislating on the system for the future administration of the Local Government in New Zealand, two objects are of primary importance ;—to insure, if possible, a revenue that will meet such indispensable and unavoidable expenditure, as the Crown may be compelled to incur, in

the due administration of justice and protection for British subjects, as well as Aborigines ;—and to provide funds for the supply of Emigration to the Colony.

The facts and observations, in the preceding chapters, will, it is presumed, evidently shew, that the means, usually resorted to, and available, in other Colonies, for the two purposes above mentioned, do not exist, at present, in New Zealand.

It cannot be doubted, but that the “*Expenditure*” will for many years exceed the “*Fixed Ordinary Revenue*,” to a very considerable amount, and will never approach, or equal it, unless the population is increased by emigration, to augment in proportionate rates, the consumption of articles, and commodities, subject to Customs and Excise Duties ;—on the other hand, there is equal uncertainty and improbability, from the circumstances previously mentioned, that any sales of Crown Land, except in Towns, will be effected to raise funds for the purposes of Emigration, much more to give any surplus funds to be applied to the “*Extraordinary and Incidental Revenue*,” to make up any deficiency to balance the “*General Expenditure*.”

If the resources from “*Fixed or Ordinary Revenue*,” are small, in comparison to the *General Expenditure*, and no funds arise from the sales of Land ; it is obvious the Colony must either be a direct annual charge on the Mother Country, exclusive of any grant from the same source for Emigration ;—or a Revenue must be raised for such

purposes, by some other plan, than by sales of Crown Lands;—unless the Colony is altogether abandoned by the British Government.

Considering, therefore, the peculiar circumstances connected with the Colony of New Zealand, more especially the position of Government in relation to Land, it is suggested that the progress, prosperity and revenue of the Colony, would be more speedily and successfully promoted, by a very different system, as regards Crown Lands.

Let the Government sell only such Lands as may be required for Towns and Villages;—give grants of Land, for Farms, &c. of moderate extent, to actual settlers; and then *tax all lands* in New Zealand.

The Land Tax, should be on a scale, increasing with time on *uncultivated* land, and after a certain period, if then not under cultivation, arable or pasture, to be forfeited, and revert to the Crown. Such a system would prevent land jobbing, and would be encouragement and inducement to the class of Emigrants, that are most required in New Zealand, and who make the best settlers.

The Colonial Land and Emigration Commissioners for South Australia, &c. and New Zealand, will not dispose of less than 320 acres, and the price is *one pound per acre*.

It is true that the Commissioners state, “Every purchaser will be entitled to name a number of persons of the labouring class, subject to the approval of the Commissioners, for a free passage to the Colony, in which he has purchased land, in proportion

to the amount." But the class of persons alluded to, cannot afford such an outlay for land only : and to enclose and bring into cultivation 320 acres of land in New Zealand, would incur an expense of many thousand pounds, for, as previously explained, there are no natural pastures; therefore, every acre purchased will require conversion, as well as enclosure, or remain waste and useless. Moreover, *fifty acres* of arable land in New Zealand is quite sufficient for a farmer of moderate capital, as well as to maintain him and family. Further, persons with any property proposing to emigrate to New Zealand, as soon as the subject of land claims is well understood, will neither purchase of the New Zealand Company at £1. 10s. per acre, nor of the Colonial Land Commissioners in England, at £1. per acre, nor compete in the Colony, at the auction sales of Crown lands : for they will be able to obtain land in any portion,—large or small,—according to their means and wishes, at trifling cost, from the land claimants who will have abundance of land in the market, to compete with the Government,—in sales to emigrants, for many years to come.

Far better that grants of land were made gratuitously, and let the settler pay his own expenses to the Colony. This boon of conveyance of the purchaser, or with a proviso that a certain proportion of the purchase money, is to be appropriated to the importation into the settlement of free labour, in consequence of a high price per acre having been given for the land,—is not, when investigated and understood, of the importance and advantage

generally ascribed. It may be true that the contract is fulfilled by the labouring emigrants being conveyed to the settlement or colony ; but, there is no legal power to confine their labour to that particular spot, or to prevent them from leaving as soon as they please. Labour, like water, is sure to find its level, and wages in all places will be regulated, in price, by the supply and demand : and if in the adjacent Colonies, or in any other parts of the same Colony, wages are higher, this advantage remains no longer exclusive, and the purchaser of the land, at a higher price, finds he has been charged, and paid, for what cannot be secured to him. In fact, it is supplying labour to some at the expense of others, and the former having been at no preliminary expense or charge for the importation of it, can afford to give much higher wages for local purposes. That the Colony, to flourish, or in fact to progress at all, must be supplied with emigrants of the labouring classes, is an incontestable truth ; but, it is conceived that such a measure, especially as regards the Colony of New Zealand, can be accomplished, with far more beneficial results by *land taxes* than by *land sales*.

Not the least advantage of such a system, would be, that it would render the land acquired by claims,—for which neither the Government, towards its expenditure, nor the Colony itself, in the supply of emigration,—as by the New Zealand Company,—have as yet received any return,—subject to contribute to the general benefit of the Colony.

Let the land tax be moderate, on the principle

that all low duties are most productive to the state, and individually not burthensome to the community. Presume the tax on *uncultivated* land, to be *one shilling per acre*, commencing twelve months after date of the grant, and increasing three pence per acre, every succeeding year, for nine years ; and after ten years, from the date of grant, all land not cultivated should revert to the Crown. The tax on the last year, provided the land was not yet cultivated, would be three shillings per acre, and the total sum paid up to that period would be eighteen shillings per acre.

This would in fact be allowing the settler to pay the purchase money by instalments, with the great advantage of stimulating him to exertion and industry, in order to obtain the land at a very moderate price. The grants of land need not be limited, as the tax would prevent persons taking possession of more land than their means and prospects would justly lead them to expect they would be enabled to bring into cultivation before the date of forfeiture, yet, at the same time, it would allow sufficient latitude to enterprising and thrifty persons to apply their early profits, as their cultivation increased, to prevent forfeiture of any of their grant.

To large capitalists, tempted by the soil and climate, to resort to New Zealand, to engage extensively in agricultural pursuits, this plan would be very beneficial, and it would likewise enable them to carry out in a salutary manner the true intent of Government as to Colonization.

For example, an individual desirous of 200 acres in New Zealand. Instead of paying, as directed by the Colonial Land Commissioners, the sum of £200. into the Bank of England, before he can obtain his title to the land, or be allowed free passage for any of the labouring class in proportion : he could apply that amount to obtain labour, to bring his grant as rapidly as possible into cultivation. It would be far better that he should himself select his labourers and servants in England, and bind them for a definite period, under certain terms, and apply that amount to the outfit and conveyance of himself and them to the Colony. This would secure to him the labour. It may be said that there would be difficulty in enforcing the fulfilment of the contract on the part of the labourer or servant on arrival in the Colony.—But such would not be the case.

Emigrants sent to the Colonies, at the expense of the Government or of any Public Company are free agents, and are transmitted to new settlements for the benefit of the whole community of settlers ; but contracts between master and servant can be entered into and are mutually binding in the Colony as in England. In fact, the breach of contract by mechanics, and others, has become so flagrant and frequent in the Colony, and which has generally been committed in consequence of some informality in the agreement, that the magistrates now have the power of inflicting severe punishment on the refractory servant, and a heavy fine on any person employing another, under agreement. These penalties

might be made more stringent and effective by some Colonial enactment of the Governor and Council ; publicly promulgated throughout the Colony by Proclamation. With eight or ten good farming labourers, much would soon be accomplished towards enclosing and cultivating the 200 acres. The produce, as cultivation proceeded, would very soon reimburse the expenses and tax, and enable the proprietor to expend more capital in labour, and thus, there would be throughout the Colony, for a long period, a great demand for labour, for which the settlers could well afford to pay a good price, under such a system of obtaining the land, at a very moderate rate. This labouring population would consume largely all articles of Customs, more particularly spirits and tobacco, and thus augment the fixed or ordinary revenue.

The grants should all bear the same date in each year, to render the returns of duties, due to Government, correctly and easily ascertained. This might be done by dating all grants issued during the first six months of a year, from the January preceding, and those during the latter six months, from the following January. The tax, as the first year of grant is exempt, should come into operation, and be paid on all acres *uncultivated*, at the commencement of the second and each succeeding year. The construction of the term *uncultivated land*, to be understood, as applying to all land, in its natural state, at the time of the grant. But as soon as enclosed with fencing, and ditches for draining, and the en-

closed ground broken up—then to be considered as exempt from the tax on *uncultivated*—but subject to that on *cultivated* land—although not in a state of actual production. The tax on all *cultivated land* might be *six pence* per acre per annum, which would be very trifling and more easily borne the longer the land was in cultivation. This *cultivated tax* might be allowed to be redeemed, as soon as the ten years from the date of grant was expired. The redemption might be on the same principle, as that adopted in England, making due allowance for the difference of the rate of interest or value of money in England and in the Colony.

But there should not be allowed any redemption of the “*Uncultivated Tax*,” as it would counteract and render ultimately nugatory the very intent and purposes for which it was enacted,—the speedy population and cultivation of the Colony on sound principles, and the prevention of all land speculation and jobbing.

The lands of the New Zealand Company should be exempt from all such taxes, either uncultivated or cultivated, and likewise all territorial possessions of the Aborigines.

CULTIVATED LAND TAX.

The following STATEMENT will illustrate the operations of this Tax on a Grant of 200 Acres, brought gradually into cultivation.

Date and year of Grant.	No. of Acres uncultivated each year.	Rate of Tax each year.	Uncultivated Tax payable each year.	No. of Acres cultivated each year.	Rate of Tax.	Cultivated Tax each year.	Total amount of Annual Tax.
		s. d.	£. s. d.			£. s. d.	£. s. d.
1 Jan. 1842	200		Nil	Nil	Sixpence.	Nil	Nil
2 " 1843	200	1 0	10 0 0	"	—	0 5 0	10 0 0
3 " 1844	190	1 3	11 17 6	" 10	—	0 12 6	12 2 6
4 " 1845	175	1 6	13 2 6	25	—	0 12 6	13 15 0
5 " 1846	150	1 9	13 2 6	50	—	1 5 0	14 7 6
6 " 1847	125	2 0	12 10 0	75	—	1 17 6	14 7 6
7 " 1848	100	2 3	11 5 0	100	—	2 10 0	13 5 0
8 " 1849	60	2 6	7 10 0	140	—	3 10 0	11 0 0
9 " 1850	30	2 9	4 2 6	170	—	4 5 0	8 7 6
10 " 1851	Nil	3 0	Nil	200	—	5 0 0	5 0 0
Total amount paid for the Lands in ten years							102 5 0

The above table shows no land cultivated until the second year, and then only ten acres, which renders the number of acres at the commencement of the third year subject to the tax 190. In the third year fifteen more only are added to the cultivated; in the fourth, fifth, and sixth years, twenty-five

acres each; in the seventh, forty acres; in the eighth and ninth year, thirty acres each; and in the last and tenth all are only subject to the *Cultivated Tax*.

If it was known that Government would make gratuitous Grants of Land on such a system, of from ten to fifty acres, according to circumstances and testimonials, there would be many persons, possessed of some little means, who would emigrate to New Zealand, at their own expense, with a view to possess some little land, and to provide for their children hereafter. Exclusive of those accustomed to farming, there are many individuals with certain, yet limited, annual incomes, such as retired and half-pay officers, but not possessing tangible capital to any great amount. To such class of persons, with families, New Zealand is particularly adapted, and a few acres around a dwelling, devoted to pasture for the dairy, and rearing of poultry, &c., would abundantly supply all the necessaries of life. A farm of twenty acres, supposing the whole was not cultivated, until the sixth year from the date of Grant, would only pay altogether seven pounds and ten shillings of uncultivated tax, or purchase money, —and the cultivated tax would be only ten shillings per annum. Such a system of taxation—or rather payment for land—would be very productive to the revenue—both for the purposes of Emigration of Labourers at the expense of Government, if required, and likewise to make good any deficiency of Fixed or Ordinary Revenue to the Expenditure.

The land by claims—as soon as settled, would be subject to the tax—and the proprietors would immediately exert themselves to cultivate, to sell, or to let it, in order to stop the progressive increase of the tax, as well as to prevent ultimate forfeiture. In the speech of Sir George Gipps, on the second reading of the Bill, before the Legislative Council, on New South Wales,—“for appointing Commissioners to enquire into claims to Grants of Land in New Zealand,”—he stated that the Marquis of Normanby had suggested that the same object, proposed by the Bill, might be effected by a tax on Land, and that, if the Bill was rejected, the latter would be immediately proposed,—and Sir George added,—“and I do not know, that I may not even propose to combine the two; for it does not follow that, because we give certain powers to Commissioners to enquire into titles to land in New Zealand, we may not hereafter impose a tax upon lands there, if such a tax be found necessary.”

All these circumstances will render it absolutely necessary for the Government to incur, in the first formation of the Colony, an expenditure quite disproportionate to the population, and no doubt far beyond the revenue, and it is very evident that both the revenue, as well as the future progress and prosperity of New Zealand depend on the energetic, liberal, and judicious measures of the Home Government, in the infancy of the Colony.

The revenue will never reach the expenditure



unless the resources of the Colony are fully developed, and brought into fruitful production,—and the latter will never be accomplished, but by enlightened views and wise policy, suitable and applicable to the peculiar circumstances existing at the time the Colony first became an acknowledged dependency on the British Crown.

The subjects requiring the serious consideration of the Government, as being the basis of the future prosperity of New Zealand, are :

1. The immediate and simultaneous adjudication of all claims to land, by right of alleged purchase from the Aborigines, previous to the proclamation of her Majesty.

2. A judicious system of tax—or sale—as regards Crown Lands, bearing in mind the previous subject.

3. Emigration from England, to a large extent, of the labouring classes, secured by the second measure.

Lastly,—and which is of greater importance than all the preceding,—a well digested plan, to be carried into effect by competent persons, of protecting, teaching, and civilizing the Aborigines,—so that, as regards their territorial possessions, such portions of their land as they choose to reserve to themselves, shall be held sacred,—and as British subjects they shall possess and enjoy the same rights and immunities as Europeans,—which will be the most certain means of rendering them useful members of society,—and sincere converts to the Christian Faith.

By these principles and measures, carried into

execution by a Local Government, of energy, talent, and experience, New Zealand will gradually progress, in cereal production,—and in the development of those natural resources, applicable to arts and manufactures,—and become in due time a prosperous Colony ;—if otherwise,—it will, so soon as the present *Eldorado* halo is dispelled by common sense and truth, rapidly retrograde into its former insignificance and obscurity.

APPENDIX.

A.—PROCLAMATION ASSERTING HER MAJESTY'S AUTHORITY IN NEW ZEALAND.	Page 305
B.—PROCLAMATION DECLARING ALL TITLES TO LAND IN NEW ZEALAND NULL AND VOID	307
C.—TREATY OF WAITANGI BETWEEN HER MAJESTY AND THE NATIVE CHIEFS	309
D.—SAILING DIRECTIONS FOR AUCKLAND	311
E.—CHARTER FOR ERECTING THE COLONY OF NEW ZEA- LAND	314
F.—TABLE OF DUTIES OF CUSTOMS PAYABLE IN NEW ZEALAND	321
G.—ORDINANCE OF GOVERNOR AND COUNCIL TO APPOINT COMMISSIONERS FOR LAND CLAIMS	322
H.—ESTIMATES OF THE COLONY OF NEW ZEALAND FOR THE YEAR 1841—1842	337
I.—A BILL FOR REGULATING THE SURVEY AND SALES OF LAND BELONGING TO THE CROWN IN THE AUSTRALIAN COLONIES AND NEW ZEALAND	356

(While this volume was in the press, this Bill was brought into the House of Commons by Lord Stanley, and ordered to be printed.—22nd March, 1842.)

A P P E N D I X.

(A .)

PROCLAMATION,

By His Excellency William Hobson, Esq., Lieutenant-Governor of the British Settlement, in progress in New Zealand.

Whereas Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, has been graciously pleased to direct that measures shall be taken for a settled form of Civil Government, over those of Her Majesty's subjects who are already settled in New Zealand, or who may hereafter resort thereto. And whereas Her Majesty has been also graciously pleased to direct Letters Patent to be issued under the Great Seal of the United Kingdom, bearing date the 15th June, 1839, by which the former boundaries of the Colony of New South Wales are so extended as to comprehend any part of New Zealand, that is or may be acquired in Sovereignty by Her Majesty, Her Heirs, and Successors. And whereas, Her Majesty has been further pleased, by a Commission under the Royal Signet and Sign Manual, bearing date the 13th July, 1839, to appoint me, William Hobson, Esq., Captain in the Royal Navy, to be Lieutenant-Governor in and over any Territory which is or may be acquired in Sovereignty by Her Majesty, Her Heirs, and Successors, within that group of Islands in the Pacific Ocean, commonly called New Zealand, and lying between the latitudes of $34^{\circ} 30'$ and $47^{\circ} 10'$ south, and longitude of $166^{\circ} 5'$ and 179° east, from the meridian at Greenwich. Now, therefore, I, the said William

Hobson, do hereby declare and proclaim, that I did on the 14th day of January instant, before his Excellency Sir George Gipps, Knight, Captain General and Governor-in-Chief in and over the territory of New South Wales, and its dependencies and the Executive Council thereof, take the accustomed oaths of office as Lieutenant-Governor aforesaid; and I do hereby further proclaim and declare, that I have this day opened and published the two Commissions aforesaid: that is to say, the Commission under the Great Seal extending the boundaries of the Government of New South Wales, and the Commission under the Royal Sign Manual, appointing me Lieutenant-Governor as aforesaid. And I do hereby further proclaim and declare, that I have this day entered on the duties of my said office as Lieutenant-Governor as aforesaid, and I call on Her Majesty's subjects to be aiding and assisting me in the execution thereof.

Given under my hand and seal at Kororarika, the
30th day of January, 1840, in the third year of
Her Majesty's reign.

(Signed) WILLIAM HOBSON.

By His Excellency's command,

(Signed) GEORGE COOPER.

God save the Queen.

(B.)

PROCLAMATION,

By His Excellency William Hobson, Esq., Lieutenant-Governor of the British Settlements in New Zealand.

Whereas Her Majesty Queen Victoria, Queen of the United Kingdom of Great Britain and Ireland, has been graciously pleased by Indenture, under the hand of the most noble the Marquis of Normanby, one of Her Majesty's principal Secretaries of State, bearing date the 14th August, 1839, to command that it shall be notified to all Her Majesty's subjects, settled in or resorting to the Islands of New Zealand, that Her Majesty, taking into consideration the present as well as future interests of the said subjects, and also the rights and interests of the Chiefs and Native Tribes of the said Islands, does not admit it expedient to recognise as valid any titles to Land in New Zealand which are not derived from, or confirmed by Her Majesty. Now, therefore, I, William Hobson, Esq., Captain in Her Majesty's Navy, and Lieutenant-Governor in and over such parts of New Zealand as have been or may be acquired in Sovereignty by her said Majesty, do hereby accordingly proclaim and declare to all Her Majesty's subjects, that Her Majesty does not deem it expedient to recognize any titles to Land in New Zealand which are not derived from, or confirmed by Her Majesty, as aforesaid. But in order to dispel any apprehension that it is intended to dispossess the owners of land acquired on equitable conditions, and not in extent or otherwise prejudicial to the present or prospective interests of the community, I do hereby further proclaim and declare, that Her Majesty has been pleased to direct that a Commission shall be appointed with certain powers to be derived from the Governor and

Legislative Council of New South Wales, to inquire into and report on all claims to such lands, and that all persons having such claims will be required to prove the same before the said Commissioners when appointed. And I do further proclaim and declare, that all purchases of land in any part of New Zealand which may be made from any of the Chiefs or Native Tribes thereof, after the date of these presents, will be considered as absolutely null and void, and will not be confirmed, or in any way recognized by Her Majesty.

Given under my hand and seal at Kororarika, this
30th day of January, 1840, in the third year of Her
Majesty's reign.

(Signed) WILLIAM HOBSON.

By His Excellency's command,

(Signed) GEORGE COOPER.

God save the Queen.

(C.)

TREATY OF WAITANGI.

Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her royal favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary, in consequence of the great number of her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia, which is still in progress, to constitute and appoint a functionary authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole, or any part of those Islands. Her Majesty, therefore, being desirous to establish a settled form of civil Government with laws and institutions alike to the native population and to her subjects, has been graciously pleased to empower and to authorize me, William Hobson, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor over such parts of New Zealand as may be, or hereafter may be, called to her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following articles and conditions :—

Article the First.—The Chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said confederation or individual Chiefs respectively exercise or possess, or may be supposed

to exercise or possess, over their respective territories, as the sole Sovereigns thereof.

Article the Second.—Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession. But the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of preemption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf.

Article the Third.—In consideration thereof Her Majesty the Queen of England, extends to the Natives of New Zealand her royal protection, and imparts to them all the rights and privileges of British subjects.

(Signed) WILLIAM HOBSON.

Now, therefore, we, the Chiefs of the Confederation of the United Tribes of New Zealand, being assembled in Congress at Victoria, at Waitangi, and we, the separate and independent Chiefs of New Zealand, claiming authority over the Tribes and Territories which are specified after our respective names, accept and enter into the same in the full meaning and spirit thereof.

In witness whereof, we have attached our signatures or marks at the places and dates, respectively specified.

[Five hundred and twelve Signatures, &c.]

Done at Waitangi, }
6th January, 1840. }

(D.)

NOTICE TO MARINERS.

The town of Auckland, on the southern shore of the river Waitemata, is situated in latitude $36^{\circ} 51' 26''$ south, and longitude $174^{\circ} 43'$ east. The entrance of the Waitemata is on the western side of the Gulf of Houraki, or the Frith of the Thames, and is screened from the north-east by the Islands of Rangi Toto, Motu Tapu, and a succession of bold precipitous Islands lying off the north-west end of Island Waiheki.

DIRECTIONS.

Vessels bound to Auckland from the northward, after making Point Rodney, should steer for the island of Tiri Tiri Matangi, taking care to avoid a small rocky islet one league north, 53° w. magnetic, from Port Takatou Wenua, and passing it on either side, steer for Rangi Toto, keeping between that island and the main, and not approaching either in less than five fathoms water. When to the westward of Rangi Toto, the Bluff north Head of the Waitemata becomes visible.

Vessels coming from the eastward should enter the Frith between Cape Colville and the Great Barrier, passing on either side of the small island which is about a league distant N. N. W. from the Cape, whence a course may be shaped for the mid channel, between Tiri Tiri Matangi and Motu Tapu, which nearly joins Rangi Toto, and over which the peaks of Rangi Toto are visible. Then proceed as if coming from the northward.

Vessels drawing less than 14 feet may enter the Tohawaki Channel on either side of Waiheki, and pass to the southward of the group formed by Waiheki, Motu Tapu and Rangi Toto, to the entrance of the Waitemata; but the

channel is not one recommended to strangers unaided by a pilot. In the event of stress of weather, or other emergency, excellent shelter may be found inside any part of Waiheki, or under the east end of Motu Tapu ; the passage so far, and the channel leading to it, being perfectly free from dangers.

On approaching the entrance of the river care must be taken to avoid a ledge of rocks extending in a north-westerly direction from the Southern Shore, which may be avoided by keeping the North Head, southward of west, (magnetic,) until a remarkable rock on the South Shore, resembling the bastion of a fort, called the Bastion Rock—bears south (magnetic.)

With a fair wind the North Head may be rounded at half a cable's length distance, and a mid channel course will lead to the anchorage of the town.

With a beating wind, tack on the South Shore on coming into six fathoms water, and on the North Shore, which is much deeper, at the first shoal cast ; the only dangers within the Heads are a spit of land that projects half a cable's length from a low sandy point on the North Shore, about a quarter of a mile inside the North Head, and a mud flat which lines the Southern Shore to a distance of nearly one-third of a mile throughout the whole river, and all the bays on both sides are shoal. These dangers will be avoided by attention to the lead, and the directions given above.

The navigation of the Gulf of Houraki, with ordinary care, is perfectly safe ; but attention is required in hazy weather, or at night, to avoid many small Islets, which vary in height from six or eight to an hundred feet, and which are generally surrounded with deep water.

The only known exceptions to this rule, are the Peronguesin, latitude $30^{\circ} 7'$ south, longitude $175^{\circ} 18'$ east, according to D'Urville, and a rock, on which the sea breaks

occasionally, called Simpson's Rock, lying about 4 or 5 miles north-north-east from the north-west end of the Great Barrier. There is a sunken rock reported to exist on the north side of Waiheki, and is marked on the charts about north from the centre of that island, a long league off shore, the position, or even the existence of which is not positively known.

These rocks, as will be seen by the reference to the Chart, are out of the ordinary track of shipping, but contrary winds may oblige vessels to approach them, and, therefore, are worthy of notice. The rocky islet of Takatou, above alluded to, stands about eight feet above high water mark, and is bold too. Its position is accurately laid down by D'Urville.

High water at Waitemata, on full and change, 6 hours 45 minutes; rise and fall about ten feet on the spring tides. The flood runs to the southward within in the Frith of the Thames, but to the north on the coast.

(E.)

CHARTER

For erecting the Colony of New Zealand, and for creating and establishing a Legislative Council and an Executive Council, and for granting certain powers and authorities to the Governor for the time being of the said Colony.

Victoria, &c., to all to whom these presents shall come greeting.

Whereas, by an Act of Parliament, made and passed in in the fourth year of our reign, intituled, " An act to continue until the 31st day of December, 1841, and to the end of the then Session of Parliament, and to extend the provisions of an act to provide for the more effectual government thereof, and for other purposes relating thereto." After reciting, amongst other things, that the said Colony of New South Wales is of great extent, and that it may be fit that certain dependencies of the said Colony should be formed into separate colonies, and provisions made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by letters patent, to be from time to time issued under the great Seal of the United Kingdom, to erect into a separate colony, or colonies, any islands which now are, or which hereafter may be comprised within, and be dependencies of the said Colony of New South Wales, and were comprised within, and were dependencies of the said Colony of New South Wales. Now, know ye, that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby in us vested, of our especial grace, certain knowledge and mere motion, have thought fit to erect, and do hereby erect the said Islands of

New Zealand, and all other Islands adjacent thereto, and lying between the 34th degree 30 minutes south, to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 179th degree of east longitude, reckoning from the meridian of Greenwich, into a separate colony, and the same are hereby erected into a separate colony accordingly. And we do hereby declare, that from henceforth the said islands shall be known and designated as the Colony of New Zealand, and the principal islands heretofore known as, or commonly called the "Northern Island," the "Middle Island," and "Stewart's Island," shall henceforward be designated, and known respectively, as "New Ulster," "New Munster," and "New Leinster."

And whereas, by the said recited Act of Parliament, it is further enacted, that in case we shall by any letters patent, as aforesaid, establish any such new colony, or colonies, as aforesaid, it shall be lawful for us, by any such letters patent, to authorize any number of persons, not less than seven, including the Governor, or Lieutenant-Governor, of any such new colony, or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named, or designated by us for that purpose, and shall hold their places therein at our pleasure; and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be appointed; and that, on the making of such laws and ordinances, the said Legislative Council shall conform to, and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein, provided always that no such instructions, and that no such laws or ordinances, as aforesaid, shall be repugnant to the laws of England, but

consistent therewith so far as the circumstances of any such colony may admit; provided, also, that all such laws and ordinances shall be subject to our confirmation or disallowance, in such manner, and according to such regulations as we by any such instructions, as aforesaid, shall from time to time see fit to prescribe: provided also, that all instructions which shall, in pursuance of the said recited act, be made by us, with the advice of our Privy Council; and that all laws and ordinances which shall be made in pursuance of the said recited act, by any such Legislative Council, of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws and ordinances, if Parliament shall then be in Session sitting, or if not, then within one month from the commencement of the next ensuing Session of Parliament. Now, therefore, in pursuance and further exercise of the powers so vested in us as aforesaid, in and by the said recited Act of Parliament, we do by these our letters patent, authorize the Governor, or the Lieutenant-Governor, for the time being of the Colony of New Zealand, and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said Colony; and in further exercise of the powers aforesaid, we do hereby declare, in addition to the said Governor or Lieutenant-Governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions, or warrant or warrants, to be by us for that purpose issued under our signet and sign manual, and with the advice of our Privy Council, all of which councillors shall hold their places in the said Council at our pleasure.

And we do hereby require and enjoin, that such Legisla-

tive Council, shall in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said Colony of New Zealand, and that in making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we with the advice of our Privy Council, shall from time to time make their guidance therein.

And whereas it is expedient that an Executive Council should be appointed to advise and assist the Governor of our said Colony of New Zealand, for the time being in the administration of the government thereof, we do, therefore, by these our letters patent, authorize the Governor of our said Colony for the time being, to summons as an Executive Council, such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him on that behalf.

And we do hereby authorize and empower the Governor of our said Colony of New Zealand for the time being, to keep and use the public seal, appointed for the sealing of all things whatsoever that shall pass the seal of our said Colony.

And we do hereby give and grant to the Governor of our said Colony of New Zealand for the time being, full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said Colony into Districts, Counties, Hundreds, Towns, Townships and Parishes, and to appoint the limits thereof respectively.

And we do hereby give and grant to the Governor of our said Colony of New Zealand for the time being, full power and authority in our name and on our behalf, but subject, nevertheless, to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to

make and execute, in our name and on our behalf, under the public seal of the said Colony, grants of waste land, to us belonging within the same, to private persons for their own use and benefit, or to any persons bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect the rights of any aboriginal Natives of the said Colony of New Zealand to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such Natives.

And we do hereby authorize and empower the Governor of our said Colony of New Zealand, for the time being, to constitute and appoint judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in our said Colony, for the due and important administration of justice, and for putting the laws into execution, and to administer, or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.

And we do hereby give and grant unto the Governor of our said Colony of New Zealand, for the time being, full power and authority as he shall see occasion, in our name and on our behalf, to remit any fines, penalties or forfeitures, which may accrue, or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case; and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.

And we do hereby give and grant unto the Governor of

the said Colony of New Zealand, for the time being, full power and authority as he shall see occasion, in our name and our behalf, to grant to any offender convicted of any crime in any court or before any judge, justice, or magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony, may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.

And we do hereby give and grant unto the Governor of our said Colony of New Zealand, for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said colony, any person exercising any office or place under or by virtue of any commission or warrant granted, or which may be granted by us, or in our name, or under our authority, which suspension shall continue, and have effect only until our pleasure therein shall be made known, and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony, for the time being, in proceeding to any such suspension, to observe the directions on that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.

And on the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand, for the time being, shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony; or in the event of there

being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and declare, that in such contingency all the powers and authorities herein granted to the Governor or the Lieutenant-Governor of our said colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall have all and every the powers and authorities herein granted until our further pleasure shall be signified therein : And we do hereby require and command all our Officers and Ministers, civil and military, and all other the Inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such persons as may be commissioned and appointed by us to be the Governor of our said Colony ; or in the event of his death or absence, to such person as may, under the provisions of these our letters patent, assume and exercise the functions of such Governor.

And we do hereby reserve to us, our Heirs and Successors, full power and authority from time to time to revoke, alter, or amend these our letters patent, as to us or them shall seem fit.

In witness, &c., witness, &c.,
16th November, 1840.

(F.)

A TABLE OF DUTIES OF CUSTOMS

Payable on Goods, Wares and Merchandize, which shall be imported into any Port or place in the Colony of New Zealand and its Dependencies, on and after the 1st of July, 1841.

	£.	s.	d.
On all SPIRITS the produce or manufacture of the United Kingdom of Her Majesty's possessions in America and of New South Wales and Van Diemen's Land, for every gallon not exceeding the strength of proof	0	4	0
On all other SPIRITS per gallon	0	5	0
TOBACCO from and after 1st January, 1842.			
Snuff and Cigars, per lb.	0	2	0
Manufactured „	0	1	0
Unmanufactured „	0	0	9
WINE, for every £100. value	15	0	0
TEA, SUGAR, FLOUR, MEAL, WHEAT, RICE, and other Grains and Pulse, for every £100. value	0	5	0
All Foreign Goods for every £100. value	10	0	0
All British Produce and Manufactures, as well as those from New South Wales and Van Diemen's Land, except Spirits	Free		

(G.)

ANNO QUARTO VICTORIÆ REGINÆ.

By His Excellency WILLIAM HOBSON, ESQUIRE, Captain in Her Majesty's Royal Navy, first Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, with the advice and consent of the Legislative Council thereof.

“ An Ordinance to repeal within the said Colony of
“ New Zealand, a certain Act of the Governor and
“ Legislative Council of New South Wales, made and
“ passed in the Fourth Year of the Reign of Her
“ present Majesty, and adopted under an Ordinance
“ of the Governor and Legislative Council of New
“ Zealand for extending the laws of New South Wales
“ to the said Colony of New Zealand, and which said
“ Act of the Governor and Council of New South
“ Wales is intituled ‘ An Act to empower the Go-
“ vernor of New South Wales to appoint Commission-
“ ers, with certain powers, to examine and report on
“ Claims to Grants of Land in New Zealand,’ and
“ also to terminate any Commission issued under the
“ same, and to authorize the Governor of the Colony
“ of New Zealand to appoint Commissioners, with
“ certain powers, to examine, and report on Claims
“ to Grants of Land therein, and to declare all other
“ Titles, except those allowed by the Crown, null and
“ void.”

Whereas, by an Act of the Governor and Legislative Council of New South Wales and its Dependencies, made

and passed in the Fourth Year of the Reign of Her present Majesty, intituled, "*An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand*;" after reciting that, in various parts of the Islands of New Zealand, comprehended within the limits of the territory and Government of New South Wales, tracts or portions of Land were claimed to be held by various individuals, by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, either mediately or immediately from the Chiefs or other individuals of the Aboriginal tribes inhabiting the same; and reciting that, no such individual or individuals, could acquire a legal title to, or permanent interest in, any such tracts or portions of Land, by virtue of any gift, purchase, or conveyance, by or from the Chiefs or other individuals of such Aboriginal tribes, as aforesaid; and also reciting, that Her Majesty had, by instructions under the hand of one of Her Majesty's Principal Secretaries of State, dated the Fourteenth Day of August, One thousand eight hundred and thirty-nine, declared Her Royal Will and Pleasure, not to recognize any titles to Land in New Zealand which did not proceed from, or were not, or should not be allowed by Her Majesty; and after stating that it was expedient and proper to put beyond doubt the invalidity of all titles to Land within the said Islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, from the same uncivilized tribes, or Aboriginal inhabitants of New Zealand; it was, therefore, in and by the said now reciting Act, declared and enacted, That all titles to Land in New Zealand which were not, or might not, thereafter be allowed by Her Majesty, were and should be absolutely null and void: And the said now reciting Act, then authorizes and

empowers the said Governor of New South Wales to issue one or more Commission or Commissions, and thereby to appoint Commissioners, who should have full power and authority to hear, examine, and report on, all Claims to Grants of Land in New Zealand, with certain other powers and provisions in the said Act contained. And whereas the said Governor of New South Wales, under and by virtue of the said Act, did issue his Commission, bearing date, under the seal of the said colony of New South Wales, the Thirtieth Day of September, in the Year of our Lord one thousand eight hundred and forty, thereby appointing certain Commissioners with power to hear, examine, and report on all Claims to Grants of Land in New Zealand: And the said Commissioners appointed therein did proceed to hear and examine certain of such Claims, but have not as yet reported thereon; and other of the like Claims have been lately referred to the said Commissioners by the said Governor of New South Wales: And whereas, since the appointment of the said Commissioners, the Islands of New Zealand have been separated from the Government of New South Wales, and erected into a colony by Her Majesty's Royal Charter; and it is therefore expedient and necessary, that the said Act of the Governor and Legislative Council of New South Wales and its Dependencies, should be repealed, and the said Commission so issued by the said Governor thereof determined: And whereas, it is expedient and proper that a Local Ordinance for the same general purposes, intended to be provided for by the said in part recited Act of the Governor and Council of New South Wales; together with such other enactments applicable to the altered circumstances of the colony of New Zealand, should be enacted by the Governor and Legislative Council of the same.

I. Be it therefore enacted and ordained, by His Excellency the Governor in and over the said colony of New

Zealand, with the advice and consent of the Legislative Council of the same colony, that from and immediately after the passing of this Ordinance, the said Act of the Governor and Council of New South Wales so adopted as aforesaid, intituled, "*An Act to empower the Governor of New South Wales to appoint Commissioners with certain powers, to examine and report on Claims to Grants of Land in New Zealand,*" be, and the same is hereby repealed, and of no effect within the said colony of New Zealand: And the said Commission so issued by the said Governor of New South Wales, under and by virtue of the powers for that purpose contained in the said Act, is hereby determined and declared to be null and void, any thing in the said Act, to the contrary thereof, notwithstanding.

II. And whereas, it is expedient to remove certain doubts which have arisen in respect of Titles of Land in New Zealand, be it therefore declared, enacted, and ordained, That all unappropriated Lands within the said colony of New Zealand, subject-however to the rightful and necessary occupation and use thereof, by the Aboriginal inhabitants of the said colony, are and remain Crown or Domain Lands of Her Majesty, Her Heirs and Successors, and that the sole and absolute right of pre-emption from the said Aboriginal inhabitants, vests in and can only be exercised by Her said Majesty, Her Heirs and Successors; and that all Titles to Land in the said colony of New Zealand, which are held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, leases or pretended leases, agreements, or other titles, either mediately or immediately from the Chiefs, or other individuals or individual of the Aboriginal tribes inhabiting the said colony, and which are not, or may not hereafter be allowed by Her Majesty, Her Heirs and Successors, are and the same shall be absolutely null and void.

Provided, and it is hereby declared, that nothing in this Ordinance contained is intended to, or shall affect the Title to any Land in New Zealand already purchased from Her Majesty's Government, or which is now held under Her Majesty.

III. And whereas Her Majesty hath, in the said instructions, been pleased to declare Her Majesty's gracious intention to recognize Claims to Land, which may have been obtained on equitable terms from the said Chiefs or Aboriginal inhabitants or inhabitant of the said colony of New Zealand, and which may not be prejudicial to the present or prospective interests of such of Her Majesty's subjects who have already resorted to, or who may hereafter resort to, and settle in, the said Colony. And whereas, it is expedient and necessary, that in all cases wherein Lands are claimed to be held by virtue of any purchase, conveyance, lease, agreement, or any other title whatsoever from the said Chiefs or Tribes, or any Aboriginal inhabitants or inhabitant whomsoever, of the said Colony of New Zealand, an inquiry be instituted into the mode in which such Claims to Lands have been acquired, the circumstances under which such claims may be, and are founded, and also to ascertain the extent and situation of the same.

Be it therefore enacted and ordained, That it shall and may be lawful for the Governor of the said Colony of New Zealand, and he is hereby authorized and empowered to issue one or more Commission or Commissions, and thereby to appoint Commissioners, who shall have full power and authority under the same to hear, examine, and report on all Claims to Grants of Land in virtue of any of the Titles aforesaid, in the said Colony of New Zealand: And each of such Commissioners shall, before proceeding to act as such, take and subscribe before a Judge of the Supreme Court of New Zealand, or before such person as the Governor or Chief Justice for the time being shall, in writing, appoint

for that purpose, the Oath set forth in the Schedule to this Act annexed, marked A ; which Oath shall be recorded in the office of the Colonial Secretary of the said colony.

IV. And be it further enacted and ordained, That the Claims of all persons who may have already made application to the Governor of New South Wales, to have Grants of Land within the said colony of New Zealand, and whose Claims have by the said Governor been referred, or directed to be referred, to the said Commissioners so appointed by the said Governor of New South Wales, shall be, and the same are hereby referred, to the Commissioners to be appointed under and by virtue of this Ordinance, to the end that all such Claims may be heard, examined, and reported on for the information and guidance of the said Governor of New Zealand : And the said Commissioners, or any two of them, shall proceed to hear, examine, and report on such Claims in manner hereinafter mentioned : Provided always that in each and every Claim already heard and examined, or partly heard and examined, it shall and may be lawful for the said Commissioners, and they are hereby authorized to receive and act upon, the evidence, statements, and documents, or other information taken and recorded by the Commissioners appointed under the said repealed Act of the Governor and Council of New South Wales aforesaid, and shall and may report thereon as if the same had been heard and examined, and the said evidence, statements, documents, and other information had been taken and recorded under and by virtue of the provisions of this Ordinance.

And whereas, in and by the said Act of the said Governor and Council of New South Wales, it is provided, that all Claims which should not be preferred in writing to the Colonial Secretary of New South Wales within six months after the passing of that Act, should be absolutely null and void, unless it should be made to appear to the

satisfaction of the said Governor, that any Claimant or Claimants should not by reason of absence, or other sufficient cause, have been able to prefer his or their Claims within the said term of six months, in which case it should be lawful for the said Governor at any time within a further term of six months, to refer such claim or claims to the said Commissioners, who should have power and authority to receive and report upon the same as in other cases: And whereas, the first term of six months so fixed has expired; and it is expedient and proper that the said term under which His Excellency the Governor is empowered to receive and refer further claims, shall be extended under this Ordinance.

V. Be it therefore enacted and ordained, That it shall and may be lawful for the Governor of New Zealand, if at any time within twelve months next after the passing of this Ordinance, it shall be made to appear to the satisfaction of the said Governor, that any claimant or claimants shall not, by reason of absence from the Colony, or other sufficient reason, have been able to prefer his or their claims within the said term so fixed by the said in part recited Act of the Governor and Council of New South Wales, it shall be lawful for the said Governor at any time, within a further term of twelve months from and after the passing of this Ordinance, to refer such claim or claims to the said Commissioners, who shall have power and authority to receive and report upon the same as in other cases. Provided always, that nothing herein contained shall authorize the said Commissioners to receive or report upon claims, except such as shall be referred to them, under and by virtue of the provisions of this Ordinance.

VI. And be it enacted and ordained, That in hearing and examining all claims to Grants as aforesaid, and reporting on the same, the said Commissioners shall be guided by the real justice and good conscience of the case, without

regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same be such evidence as the law would require in other cases or not: And that the said Commissioners shall, in every case, inquire into and set forth, so far as it shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid for the Lands claimed, to any of the said Chiefs or Tribes, or any Aboriginal inhabitants or inhabitant of the said colony of New Zealand, as well as the time and manner of the payment, and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said Lands by any subsequent purchaser or to any other person or persons, save such Chiefs or Tribes, or Aboriginal inhabitants or inhabitant as aforesaid; and shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule marked B, annexed to this Ordinance: And if the said Commissioners, or any two of them, shall be satisfied that the person or persons claiming such Lands, or any part thereof, is or are entitled according to the declaration of Her Gracious Majesty as aforesaid, to hold the said Lands or any part thereof, and to have a Grant or Lease thereof, made and delivered to such person or persons under the Great Seal of the said colony, they the said Commissioners, shall report the same, and the grounds thereof, to the said Governor accordingly, and shall state whether the claim or claims reported on is or are original or derivative, with the name or names of the party or parties to whom the Grant or Lease should issue, and shall set forth the situation, measurement, and boundaries by which the said Lands, or portions of Land, shall and may be described in every such Grant or Lease, so far as it shall be possible to, and they conveniently can, ascertain

the same; Provided, however, that no Grant of Land shall be recommended by the said Commissioners, which shall exceed in extent Two thousand five hundred and sixty acres, unless specially authorized thereto by the Governor, with the advice of the Executive Council, or which shall comprehend any Headland, Promontory, Bay, or Island, that may hereafter be required for any purpose of defence, or for the site of any Town or Village reserve, or for any other purpose of public utility; nor of any Land situate on the Sea shore, within one hundred feet of high water mark: Provided also that nothing herein-contained shall be held to oblige the said Governor to make and deliver any such Grants as aforesaid, unless His Excellency shall deem it proper so to do.

VII. Provided, nevertheless, and be it enacted and ordained, that the said Commissioners shall not propose to grant to any Claimant whatsoever, any Land which may, in the opinion of the majority of the said Commissioners, or of the majority of the Commissioners appointed to investigate the demand of such claimant, be required, for the site of any Town or Village, or for the purposes of defence, or for any other purpose of public utility: nor shall they propose to grant to any individual any Land of a similar character, which they may be directed to reserve by the Governor of New Zealand, but that in every case in which Land of such description would otherwise form a portion of the Land which the Commissioners would propose to grant to the Claimant, they shall, in lieu of such Land, propose to grant to him, or her, a compensation in such quantity of other Land, as they the said Commissioners, or the majority of them, shall deem an equivalent for every acre, or part of an acre, so required to be reserved either for the site of Village or Township, or for the purpose of defence, or for any other purpose of public utility, as aforesaid.

VIII. And be it enacted and ordained, That the meetings of the said Commissioners shall be holden in such manner and at such place or places as the Governor shall, from time to time appoint, and the said Commissioners shall proceed, with all due dispatch, to investigate and report upon the claims referred to them.

IX. And be it enacted and ordained, That it shall and may be lawful for the said Commissioners, upon receiving any such claim as aforesaid, to notify in the *New Zealand Government Gazette*, or in any Gazette or Newspaper published in New Zealand, the day appointed for inquiring into such claim. And that such Notification shall be a sufficient warning and summons to any claimant or opponent under this Ordinance: provided that the said Commissioners, or any one of them, are and is hereby authorized, to issue summonses requiring all such persons as shall therein be named to appear before the said Commissioners, at the day, time and place therein appointed, to give evidence as to all matters and things known to any such person, respecting such claim, and to produce in evidence all Deeds, Instruments, or Writings, in the possession or control of any such persons which they might by law be required and compelled to give evidence of, or to produce in evidence in any cause respecting the like matters depending in any of Her Majesty's Courts of Law, in so far as the evidence of such persons, and the production of such Deeds, Instruments, and Writings shall be requisite for the due investigation of such claim depending before the said Commissioners, and that all such evidence shall be taken down in writing, in presence of, and be signed by the witnesses respectively giving the same; but in case any witness shall refuse, or shall be unable to sign, the said evidence shall be attested as having been taken, and read over, by one or more of the said Commissioners, and that

all such evidence shall be given on oath, which oath it shall and may be lawful for the said Commissioners, or any one of them, to administer to every person appearing before them to give evidence; and that any person taking a false oath, in any case wherein an oath is required to be taken by this Ordinance, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to such pains and penalties as by any law now in force, any person convicted of wilful and corrupt perjury, is subject and liable to: Provided always, that in all cases in which it may be necessary to take the evidence of any Aboriginal Native who shall not be competent to take an oath, it shall be lawful for the said Commissioners to receive in evidence, the statement of such Aboriginal Native, subject to such credit as it may be entitled to from corroborating or other circumstances.

X. And be it enacted and ordained, That whenever any person who, being duly summoned to give evidence before the said Commissioners as aforesaid, his or her reasonable expenses having been paid or tendered by the party requiring such witnesses, and not having any lawful reason or impediment allowed by the said Commissioners, shall fail to appear at the time and place specified in such summons, or after appearing, shall refuse to be sworn, or to answer any lawful question, or to produce any Deed, Instrument, or writing which he or she may lawfully be required to produce, or without leave obtained from the said Commissioners, shall wilfully withdraw from further examination, without a satisfactory excuse being given to the said Commissioners for such default, or appearing, shall refuse or decline to be examined, or give evidence according to law, touching the matter in question, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to issue their warrant for the apprehension of such

person, in order that he may be brought before them to give evidence touching such matter as shall be in question, for which he shall have been summoned as aforesaid ; and it shall be further lawful for the said Commissioners, if such person shall not shew sufficient cause, to the satisfaction of such Commissioners for such default, to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding twenty-one days, or in lieu of such imprisonment, to pay such fine not exceeding one hundred pounds, as the said Commissioners shall impose, which fine shall be paid to the Colonial Treasurer of New Zealand, and appropriated to the public uses of the Government thereof.

XI. And be it enacted and ordained, That the said Commissioners shall and may receive for their own respective use such salaries as the Governor of New Zealand shall direct and appoint, which salaries it shall and may be lawful for the said Governor to order and direct by warrant under his hand, to be paid from and out of the revenues of New Zealand ; and the same shall be the whole remuneration of the said Commissioners for and in respect of their said office.

XII. And be it enacted and ordained, That there shall be paid to the said Commissioners, by every person making a claim to a Grant of Land, which shall be referred by the Governor to the said Commissioners for examination, as herein-before is provided, the several fees specified in the annexed Schedule to this Ordinance marked C : And the said Commissioners shall duly account for all fees so paid to them or him as aforesaid, and shall pay the same into the hands of the Colonial Treasurer of New Zealand monthly, or as nearly so as practicable, to be appropriated to the public uses of the Government thereof.

XIII. Provided always, and be it declared and ordained, That nothing in this Ordinance contained shall be deemed

in any way to affect any Right or Prerogative of Her Majesty, Her Heirs or Successors.

(Signed) "WILLIAM HOBSON, Governor."

*Passed the Legislative Council, the Ninth Day of June,
in the Year of Our Lord One thousand eight hundred
and forty-one.*

J. COATES, Clerk of the Council.

SCHEDULES REFERRED TO.

A.—Commissioners' Oath.

I, do solemnly swear
That I will faithfully, diligently, impartially, and honestly,
to the best of my ability, execute the several powers and
trusts reposed in me as a Commissioner appointed under
and by virtue of a certain Ordinance of the Governor of
New Zealand, with the advice of the Legislative Council
of the said Colony, made and passed in the Fourth Year of
the Reign of Her Majesty Queen Victoria, intituled "An
" Ordinance to repeal, within the said Colony of New Zea-
" land, a certain Act of the Governor and Legislative
" Council of New South Wales, made and passed in the
" Fourth Year of the Reign of Her present Majesty, and
" adopted under an Ordinance of the Governor and Legis-
" lative Council of New Zealand, for extending the laws of
" New South Wales to the said Colony of New Zealand,
" and which said Act of the Governor and Council of New
" South Wales, is intituled ' An Act to empower the Go-
" vernor of New South Wales to appoint Commissioners
" with certain powers, to examine and report on claims to
" Grants of Land in New Zealand ; and also to terminate
" any Commission issued under the same ; and to authorize

“ the Governor of the Colony of New Zealand to appoint
 “ Commissioners, with certain powers, to examine and re-
 “ port on Claims to Grants of Land therein ; and to declare
 “ all other Titles except those allowed by the Crown, null
 “ and void ;” And that I will not myself, directly or in-
 directly, take or receive any fee or reward for any thing
 done or performed, under and by virtue of the provisions
 of the said Ordinance, other than and except such as is
 authorized by the said Ordinance.

So help me God.

(Signed) A. B.

Sworn before me, this

day of 184

Judge of the Supreme Court of New
 Zealand, or Commissioner appointed
 for this purpose.

B.

Time when the Purchase was made.				Per Acre.			
From		To		s.	d.	s.	d.
1st Jan. 1815,	31st Decr. 1824			0	6	to 0	0
„ 1825,	„ 1829			0	6	„ 0	8
„ 1830,	„ 1834			0	8	„ 1	0
„ 1835,	„ 1836			1	0	„ 2	0
„ 1837,	„ 1838			2	0	„ 4	0
„ 1839,	„ 1839			4	0	„ 8	0

And Fifty per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods, when given to the Natives in barter for Land, to be estimated at three times their selling price in Sydney at the time.

FEES TO BE RECEIVED BY THE SAID COMMISSIONERS.

	£.	s.	d.
For filing any Memorial with the Colonial Secretary, or opposition thereto	5	0	0
For every Summons for Witnesses, each Summons containining two names, by the party requiring the same	0	5	0
For every Witness examined, or Document or Voucher produced in evidence, by the party on whose behalf examined or produced . . .	0	5	0
For taking down the examination of any Witness	0	5	0
For every one hundred words after the first hundred, additional	0	2	6
For every Certificate granted by Commissioners, of default, refuse to answer, or wilful withdrawing of any witness	1	0	0
For any final Report, to be paid by the party or parties in whose favour made, when the extent of the Land recommended be not exceeding five hundred acres	5	0	0
For every additional one hundred acres . . .	0	10	0

(H.)

ESTIMATE

Of the probable Expenditure of the Government of New Zealand, for One Year, commencing 2nd May, 1841.

Ordered by the Legislative Council to be printed.

ABSTRACT of the estimated Expenditure of the Government New Zealand, for One Year.

NO.	SERVICE.	Amount of Estimate.		
		£.	s.	d
I.	His Excellency the Governor } and Judge . . . }	2,200	0	0
II.	Civil Establishment . . .	16,609	16	10
III.	Survey Department . . .	6,164	12	6
IV.	Department of Public Works } and Buildings . . . }	5,354	0	0
V.	Judicial Establishment . . .	3,068	11	3
VI.	Police and Gaols . . .	7,957	9	3
VII.	Ecclesiastical Establishment . . .	450	0	0
VIII.	School Establishment . . .	140	0	0
IX.	Miscellaneous . . .	8,977	13	6
	Total	£50,922	3	4

WILLOUGHBY SHORTLAND,

COLONIAL SECRETARY.

*Colonial Secretary's Office, Auckland,
New Zealand, 2nd July, 1841.*

*ESTIMATE of the Probable Expenses of the GOVERNMENT OF NEW ZEALAND,
For One Year.*

	Salaries.		Contingencies.		Total of each Department.		Total.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
I.—THE GOVERNOR AND JUDGE.								
His Excellency the Governor	1200	0 0						
The Chief Justice	1000	0 0					2200	0 0
II.—CIVIL ESTABLISHMENT.								
ESTABLISHMENT OF HIS EXCELLENCY THE GOVERNOR.								
Private Secretary	150	0 0						
Superintendent of the Government Domain at 7s. 6d. per diem	136	17 6						
Ranger at 4s. 6d. per diem	82	2 6						
Office-keeper at 3s. 6d. ditto	63	17 6						
One Gardener	72	0 0						
Labourers			500	0 0				
Forage for three horses for the Governor, and one for Private Secretary, at 2s. 6d. per diem			182	10 0				
	504	17 6	682	10 0			1187	7 6

EXECUTIVE AND LEGISLATIVE COUNCILS.

Clerk of the Councils	-	-	350	0	0
One Clerk, third Class	-	-	125	0	0
Messenger	-	-	70	0	0
				545	0 0

COLONIAL SECRETARY'S DEPARTMENT.

Colonial Secretary	-	-	600	0	0
Chief Clerk	-	-	270	0	0
Clerks, one at £200., one at £170., and two at £125. each	-	-	620	0	0
Messenger	-	-	70	0	0
				1560	0 0

AUDIT BRANCH.

One Clerk, 2nd Class	-	-	200	0	0
One ditto, 3rd Class	-	-	125	0	0
				325	0 0

COLONIAL TREASURY.

Treasurer	-	-	600	0	0
One Clerk, 2nd Class	-	-	200	0	0
One ditto, 3rd Class	-	-	125	0	0
One Sub-Treasurer at Russell	-	-	100	0	0
One ditto at Port Nicholson	-	-	100	0	0
				1125	0 0

Amount carried forward

4742 7 6 2200 0 0

	Salaries.		Contingencies.		Total of each Department.		Total.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
<i>Amount brought forward</i>	-	- -	-	- -	4742	7 6	2200	0 0
<i>CUSTOMS.</i>								
<i>Auckland.</i>								
Collector	500	0 0						
Additional to present holder	100	0 0						
One Clerk	150	0 0						
One Landing Waiter and Tide Surveyor	200	0 0						
One Tide Waiter and Locker	150	0 0						
Five Boatmen at £60. each	300	0 0						
One Messenger	70	0 0			1470	0 0		
<i>Russell.</i>								
Sub-Collector	200	0 0						
One Landing Waiter and Tide Surveyor	200	0 0						
One Tide Waiter and Locker	130	0 0						
Five Boatmen, at £60. each	300	0 0			830	0 0		
<i>Port Nicholson.</i>								
Sub-Collector	200	0 0						
One Landing Waiter and Tide Surveyor	203	0 0						
One Tide Waiter and Locker	130	0 0						
Five Boatmen, at £60. each	300	0 0			830	0 0		

[illegible]

	Salaries.	Contingencies.	Total of each Department.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
<i>Amount brought forward</i>	- - -	- - -	8372 7 6	220 0 0
<i>Waimate.</i>				
Deputy Postmaster	20 per cent. on collections.	5 0 0		
Stationery, Mail Bags, &c.		5 0 0	10 0 0	
<i>Kaipara.</i>				
Deputy Postmaster	20 per cent. on collections.	5 0 0		
Gratuities to Masters of Vessels, &c.		5 0 0		
Stationery, Mail Bags, &c.		5 0 0	15 0 0	
COMMISSIONERS FOR EXAMINING INTO TITLES TO LAND.				
One Commissioner at £2. per diem	730 0 0			
Two ditto at £1. 10s. ditto	1095 0 0			
One Clerk, third Class	125 0 0			
Travelling Expenses		500 0 0	2450 0 0	
COLONIAL STORE.				
Storekeeper	250 0 0			
One Clerk at 6s. per diem	109 10 0			
One Store-Porter at 5s. ditto	91 5 0		450 15 0	

HARBOUR-MASTER'S DEPARTMENT.							
<i>Auckland.</i>							
Harbour Master	-	200	0 0				
Four Coxswains at £69. each	-	276	0 0				
Eight Boatmen at £60. each	-	480	0 0				
Conductor for Signal Station	-	60	0 0				
<i>Bay of Islands.</i>							
Conductor for Signal Station	-	60	0 0				1076 0 0
COLONIAL BRIG "VICTORIA."							
Commander at 7s 6d per diem	-	136	17 6				
First Officer at £6. per month	-	72	0 0				
Second ditto, and Boatswain, at £4. per month	-	48	0 0				
Steward at £4. per month	-	48	0 0				
Carpenter 3s. 9d. per diem	-	68	8 9				
Twelve Seamen, each £3. 10s. per month	-	504	0 0				
Allowance to Commander for necessary Money £24., and Stationery £3.	-			27	0	0	
Table Allowance for Commander and two Officers, at 1s. 6d. each, per diem	-			82	2		
Rations for Crew and Officers of Brig (17 in number), at 1s. 1½d. each per diem	-			349	0	7	
Wear and Tear of Vessel and Stores	-			200	0	0	
		877	6 3	658	3	1	
				1535	9	4	
<i>Amount carried forward</i>				13909	11	10	2200 0 0

	Salaries.		Contingencies.		Total of each Department.		Total.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
<i>Amount brought forward</i>	-	-	-	-	13809	11 10	2200	0 0
ABORIGINES.								
Chief Protector	-	-	-	-	-	-	-	-
Four Sub-Protectors at £150. each	400	0 0	-	-	-	-	-	-
One Clerk of the third Class	600	0 0	-	-	-	-	-	-
Forage for one Horse, at 2s. 6d. per diem	125	0 0	-	-	-	-	-	-
Allowance for Six Natives for Chief Protector, and four for each Sub-Protector at £20. per annum each	-	-	45	12 6	-	-	-	-
Travelling Expenses	-	-	440	0 0	-	-	-	-
Incidental Expenses for Food and Presents to Natives	-	-	525	0 0	-	-	-	-
	-	-	200	0 0	-	-	-	-
	1125	0 0	1210	12 6	2335	12	-	-
COLONIAL SURGEON.								
Colonial Surgeon at 13s. per diem	237	5 0	-	-	-	-	-	-
Lodging Money	-	-	50	0 0	-	-	-	-
Allowance for Hospital Servant	-	-	27	7 6	-	-	-	-
Medicines and Incidental Expenses	-	-	50	0 0	-	-	-	-
	237	5 0	127	7 6	364	12 6	-	-
TOTAL CIVIL ESTABLISHMENT	-	-	-	-	-	-	16609	16 10

III.—SURVEY DEPARTMENT.

Surveyor-General	-	600	0	0
Five Assistant Surveyors, at £200. each	-	1000	0	0
Two Draftsmen, at £150. each	-	300	0	0
Two Clerks, 3rd class, at £125. each	-	259	0	0
Forty Men for Field Parties, at £70. each	-	2800	0	0
Work to be performed by Contract	-			
Forage for 2 Horses for Surveyor-General, and 5 for	-			
five Assistant Surveyors, at 2s. 6d. each. per diem	-			
Instruments and Field Equipment	-			
Incidental Expenses	-			

4950	0	0
1214	12	6

TOTAL SURVEY DEPARTMENT

6164 12 6

IV.—DEPARTMENT OF PUBLIC WORKS
AND BUILDINGS.

Superintendent	-	180	0	0
Clerk, at 5s. per diem	-	91	5	0
Foreman	-	156	10	0
Superintendent of Stock, at 5s. per diem	-	91	5	0
Forage for 8 Horses, at 2s. 6d. each ditto	-			
Carts, Harness, Tools, and Incidental Expenses	-			

519	0	0
715	0	0

1234 0 0

Amount carried forward

24974 9 4

	Salaries.			Contingencies.			Total of each Department.			Total.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
<i>Amount brought forward</i>	-	-	-	-	-	-	1,34	0	0	24,974	9	4
PUBLIC WORKS.												
Fencing and Clearing the Government Domain	-			350	0	0	350	0	0			
PUBLIC BUILDINGS.												
Towards constructing a Court House (already ordered)				390	0	0						
For completing the same				600	0	0						
For constructing Public Offices at Auckland				500	0	0						
“ “ a Post Office ditto				100	0	0						
“ “ a Custom House ditto				280	0	0						
“ “ a Police Lock-up and temporary Cells for Gaol				500	0	0						
For the construction of Stables, & completing kitchen, Servants' Bed-rooms, Out-houses, and Verandah of Government House				1,100	0	0						
Incidental Expenses				300	0	0						
TOTAL PUBLIC WORKS AND BUILDINGS	-	-	-	-	-	-	3,770	0	0	5,354	0	0
V.—JUDICIAL ESTABLISHMENT.												
SUPREME COURT.												
Registrar and Clerk of the Court	-			300	0	0						
Crier of the Court and Tipstaff	-			20	0	0						

Travelling Expenses of Judge and Officers -				150	9	0
Expenses of Jurors and Witnesses attending Criminal Trials -				150	0	0
	320	0	0	300	0	0
						620 0 0
LAW OFFICERS OF THE CROWN.						
Attorney-General -	400	0	0			
Clerk to ditto, 3rd class -	125	0	0			
						525 0 0
COURTS OF GENERAL, QUARTER, AND PETTY SESSIONS, AND OF REQUESTS.						
Chairman of Quarter Sessions and Commissioner of Court of Requests at Auckland and Russell	300	0	0			
Ditto ditto Travelling Expenses -				50	0	0
Ditto ditto at Port Nicholson -	300	0	0			
Clerk of the Peace and Petty Sessions, and Registrar of the Court of Requests at Auckland -	200	0	0			
Ditto at Russell -	200	0	0			
Ditto at Port Nicholson -	200	0	0			
Three Clerks at £12. each -	36	0	0			
Expenses of Witnesses and Jurors -				200	0	0
	1,236	0	0	250	0	0
						1,486 0 0
CORONERS.						
<i>Auckland.</i>						
Coroner (by Fees) -				30	0	0
Medical Attendance at Inquests -				15	0	0
				45	0	0
						2,631 0 0
						30,328 9 4
<i>Amount carried forward</i>						

	Salaries.		Contingencies.		Total of each Department.		Total.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
<i>Amount brought forward</i>	-	-					30,328	9 4
<i>Bay of Islands.</i>								
Coroner (by Fees) -	-	-						
Medical Attendance at Inquests -	-	-						
<i>Port Nicholson.</i>								
Coroner (by Fees) -	-	-	30	0 0				
Medical Attendance at Inquests -	-	-	5	0 0				
Coroner (by Fees) -	-	-	30	0 0				
Medical Attendance at Inquests -	-	-	15	0 0	135	0 0		
SHERIFF'S DEPARTMENT.								
Sheriff -	-	-						
Deputy Sheriff, Port Nicholson -	-	-						
ditto Russell -	-	-	50	0 0				
One Clerk, 3rd class -	-	-	50	0 0				
Sheriff's Bailiff, at 4s. 3d. per diem -	-	-	125	0 0				
			77	11 3				
TOTAL JUDICIAL ESTABLISHMENT	-	-	-	-	302	11 3	3,068	11 3
VI.—DEPARTMENT OF POLICE AND GAOLS.								
MOUNTED POLICE.								
One Lieutenant at 6s. per diem -	-	-	109	10 0				
One Sergeant, at 2s. 4d. do. -	-	-	41	12 8				
One Corporal, at 1s. 9d. do. -	-	-	31	18 9				
One Trooper, at 1s. 2d. do. -	-	-	21	5 10				

	127	15	0
Seven ditto, at 1s.	-	-	-
Forge for 11 horses, for Commandant, Non-commissioned Officers, & Troopers, at 2s. 6d. per diem	-	-	-
Saddlery and Incidental Expenses	-	-	-
Clothing for 2 Non-commissioned Officers and 10 Troopers, at £4. 16s. each	-	-	-
Arms, Accoutrements, and Ammunition	-	-	-
Rations	-	-	-
	332	2 3	1,014 19 6
	300	0 0	
	707	3 9	
			1,347 1 9
AUCKLAND POLICE.			
Chief Police Magistrate	-	-	-
Chief Constable at 5s., two Sergeants at 4s. 3d., and six Privates at 3s. 6d. each per diem	-	-	-
			1,007 3 9
RUSSELL.			
Police Magistrate	-	-	-
Chief Constable at 5s., three Sergeants at 4s. 3d., and six Privates at 3s. 6d. each per diem	-	-	-
Four Boatmen at £60. each	-	-	-
	250	0 0	
	629	12 6	
	240	0 0	
			1,119 12 6
PORT NICHOLSON.			
Police Magistrate	-	-	-
Chief Constable at 5s., three Sergeants at 4s. 3d., and eight Privates at 3s. 6d. each per diem	-	-	-
Four Boatmen at £60. each	-	-	-
	250	0 0	
	834	18 9	
	240	0 0	
			1,324 18 9
			4,798 16 9
			330,397 0 -
<i>Amount carried forward</i>			

	Salaries.		Contingencies.		Total of each Department.		Total.	
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
<i>Amount brought forward</i>	-	-	-	-	4,798	16 9	33,397	0 7
HOKIANGA.								
Police Magistrate	250	0 0						
Chief Constable at 5s., one Sergeant at 4s. 3d., and two Privates at 3s. 6d. each per diem	295	13 9						
Four Boatmen to act as Constables at 3s. 6d. each per diem	255	10 0			801	3 9		
AKAROA.								
Police Magistrate	250	0 0						
One Sergeant at 4s. 3d., two Privates at 3s. 6d., and four boatmen at £60. each	445	6 3			695	6 3		
Visiting Magistrate for Cook's Straits Travelling Expenses, (Boat-hire, &c.)								
	250	0 0	500	0 0				
	250	0 0	500	0 0	750	0 0		
GAOLES.								
One Gaoler at	-	-						
ditto	-	-						
ditto	-	-						
at 5s. each per diem	-	-						
	273	15 0						

One Assistant at ditto, ditto, ditto, at 4s. each per diem	-	-	-	219	0	0
Rations for 30 Prisoners at 7d. each per diem	-	-	-	319	7	6
Medical Attendance	-	-	-	100	0	0
				492	15	0
				419	7	6
TOTAL POLICE AND GAOLS				-	-	-
					912	2 6
					-	-
						7,957 9 3

VII.—ECCLESIASTICAL ESTABLISHMENT.

One Minister at	-	Auckland,	}			
ditto	-	Russell,				
ditto	-	Port Nicholson,				
at £150. each per annum	-	-				
TOTAL ECCLESIASTICAL ESTABLISHMENT	-	-	-	-	-	450 0 0

VIII.—SCHOOL ESTABLISHMENT.

One Schoolmaster at £40. and one Schoolmistress at £20. per annum, at Auckland	60	0	0			
One Native Schoolmaster	40	0	0			
One Schoolmaster at Port Nicholson	40	0	0			
TOTAL SCHOOL ESTABLISHMENT	-	-	-	-	-	140 0 0

Amount carried forward

41,944 9 10

Amount carried forward

	Salaries.			Contingencies.			Total of each Department.			Total.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
<i>Amount brought forward</i>	-	-	-	-	-	-	-	-	-	41,944	9	10
IX.—MISCELLANEOUS.												
Stationery	-	-	-	219	13	6	-	-	-	-	-	-
Printing Gazette	-	-	-	208	0	0	-	-	-	-	-	-
Forms	-	-	-	650	0	0	-	-	-	-	-	-
Ordinances of Council, &c.	-	-	-	200	0	0	-	-	-	-	-	-
Fuel and Lights	-	-	-	100	0	0	-	-	-	-	-	-
Furniture for Public Offices	-	-	-	400	0	0	-	-	-	-	-	-
For Purchases of Land from the Natives	-	-	-	4,000	0	0	-	-	-	-	-	-
Towards erecting Churches and other places of Public Worship	-	-	-	1,000	0	0	-	-	-	-	-	-
For Roads and Bridges	-	-	-	2,000	0	0	-	-	-	-	-	-
To meet unforeseen Expenses	-	-	-	200	0	0	-	-	-	-	-	-
TOTAL MISCELLANEOUS	-	-	-	-	-	-	-	-	-	8,977	13	6
TOTAL	-	-	-	-	-	-	-	-	-	£50,922	3	4

Amounting to Fifty thousand nine hundred and twenty-two Pounds, three shillings, and four-pence.

WILLOUGHBY SHORTLAND,

Colonial Secretary.

Colonial Secretary's Office, Auckland, New Zealand,
2nd July, 1841.

No. 2.

ESTIMATE

*Of the probable amount of Revenue for the service of the
Government of New Zealand, for one Year.*

ORDINARY.

Customs	£13000	0	0
Post Office	500	0	0
Publicans' and other Licenses	2400	0	0
Auction Duties	1000	0	0
Fees and Fines of Public Offices }	2500	0	0

Total of Ordinary Revenue	£19,400	0	0
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EXTRAORDINARY.

Probable amount of Proceeds of Sales of Crown Lands, after payment of Charges for Immigration, Survey Department and Land Purchases	18,917	13	9
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Nett Revenue available for Government pur- poses	£38,317	13	9
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WILLOUGHBY SHORTLAND,

COLONIAL SECRETARY.

*Colonial Secretary's Office, Auckland,
New Zealand, 2nd July, 1841.*

No. 3.

STATEMENT

Shewing the appropriation of the Revenue arising from the sale of Crown Lands in New Zealand.

Probable Proceeds of Sale of Crown Lands	£50,000	0	0
EXPENDITURE.			
For Survey Department	£6,164	12	6
For purchase of Lands from the Aborigines	4,000	0	0
Works indispensable to give an exchangeable value to the Land, viz:			
For Roads, Bridges, &c.	2,000	0	0
Surplus of Land Fund	£37,835	7	6
50 per cent, for charges of Immigration	18,917	13	9
Amount available for the general purposes of the Colony	£18,917	13	9

WILLOUGHBY SHORTLAND,

COLONIAL SECRETARY.

*Colonial Secretary's Office, Auckland,
New Zealand, 2nd July, 1841.*

No. 4.

ABSTRACT STATEMENT

Of the Revenue and Expenditure of the Government of New Zealand, for One Year.

REVENUE.	AMOUNT.	EXPENDITURE.	AMOUNT.
	£. s. d.		£. s. d.
Ordinary, per Statement No. 2. . .	19,400 0 0	Aggregate Amount, per Statement, No. 1. . £50,922 3 4	
Extraordinary ditto . . .	18,917 13 9		
Excess of Expenditure over Revenue . .	439 17 1		
Total .	38,757 10 10	Total .	38,757 10 10

WILLOUGHBY SHORTLAND,

COLONIAL SECRETARY.

*Colonial Secretary's Office, Auckland,
New Zealand, 2nd July, 1841.*

(I.)

A B I L L

For regulating the Survey and Sales of Land belonging to the Crown in the Australian Colonies and New Zealand.

[Note.—The words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient that an uniform system of disposing of the waste lands of the Crown in the Australian Colonies should be established; Be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That within the Australian Colonies the waste lands of the Crown shall be disposed of in the manner and according to the regulations hereinafter prescribed, and not otherwise.

And be it enacted, that the waste lands of the Crown in the Australian Colonies shall not, save as hereinafter is excepted, be conveyed or alienated by her Majesty, or by any person or persons acting on the behalf or under the authority of her Majesty, either in fee-simple or for any less estate or interest, unless such conveyance or alienation be made by way of sale, nor unless such sales be conducted in the manner and according to the regulations hereinafter prescribed.

Provided always, and be it enacted, that nothing in this act contained shall extend, or be construed to extend, to

prevent her Majesty, or any person or person acting on the behalf or under the authority of her Majesty, from excepting from sale, and either reserving to her Majesty, her heirs and successors, or disposing of in such other manner as for the public interests may seem best, such lands as may be required for public roads or other internal communications, whether by land or water, or for the use or benefit of the aboriginal inhabitants of the country, or for purposes of military defence, or as the sites of places of public worship, schools, or other public buildings, or as places for the interment of the dead, or places for the recreation and amusement of the inhabitants of any town or village, or as the sites of public quays or landing places on the sea coast or shores of navigable streams, or for any other purpose of public safety, convenience, health, or enjoyment.

And be it enacted, that, save as hereinafter is excepted in reference to blocks of twenty thousand acres of land or upwards no waste lands of the Crown, in any of the said colonies, shall be so conveyed or alienated as aforesaid, until the same shall have been surveyed, and shall have been delineated in the public charts of such colony, in such lots as shall be subsequently offered and put up for sale, which lots shall in no case, save as aforesaid, contain an area exceeding one superficial square mile.

And be it enacted, that, under and subject to the various provisions and regulations hereinafter contained, the governor for the time being of each of the said colonies is hereby authorized and required in the name and on the behalf of her Majesty, to convey and alienate in fee-simple, or for any less estate or interest, to the purchaser or purchasers thereof, any waste lands of the Crown in any such colony; which conveyances or alienations shall be made in such forms, and with such solemnities, as shall from time to time be prescribed by her Majesty, and being so made shall be valid and effectual in the law, to transfer to and to invest in

possession in any such purchaser or purchasers, any such lands as aforesaid for any such estate or interest as by any such conveyance as aforesaid shall be granted to him, her, or them.

And be it enacted, that once at the least in each of the four usual quarters of the year, and on as many other occasions as to the governor for the time being of any such colony shall seem meet, there shall be holden one or more public sales by auction of the waste lands of the Crown within such colony ; and that every such governor shall, by proclamation or proclamations, to be from time to time by him for that purpose made in manner hereinafter mentioned, declare with all practicable precision the times and the places at which such auctions will be holden, and what are the lands to be offered for sale at each of such auctions, and what are the upset prices at which they will be offered for sale ; and it shall not be lawful for any such governor to sell, or to cause to be sold, any such lands, unless they shall have been specified as about to be offered for sale by such proclamation as aforesaid, issued at some time within three calendar months next preceding the actual sale thereof.

And be it enacted, that in every such proclamation as aforesaid, the lands specified therein as about to be offered for sale shall be distinguished into three separate classes, the first of which shall be described as town lots, the second of which shall be described as suburban lots, and the third of which shall be described as country lots ; and within the first of the said classes shall be comprised all lands situate within the limits of any existing town to be in that behalf especially named and described by the governor, or within any locality to be designated by the governor as the site of any town to be thereon erected ; and within the second of the said classes shall be comprised all lands situate within the distance of five miles from the nearest point of any existing or contemplated town, unless in any case the governor for the

time being of any such colony shall see fit to exclude any such last-mentioned lands from the said class of suburban lots, on the ground that they will not in his judgment derive any increased value from their vicinity to any such town : and within the third of the said classes shall be comprised all lands not comprised within the first and second classes : provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent the putting up for sale of lands of any one or more of the said classes, apart from lands of both or either of the other classes.

And be it enacted, that none of the waste lands of the Crown shall be sold at any such auction in any of the said colonies, unless the sum of *one pound* at the least for each acre of such land be then and there offered for the same, which sum of *one pound* per acre shall be the lowest upset price of any of the waste lands of the Crown in any of the said colonies, but which lowest upset price shall be liable to be from time to time raised in any such colony in manner hereinafter mentioned.

And be it enacted, that it shall be lawful for the governor of any such colony, at his discretion, by any such proclamation or proclamations as aforesaid, to raise the lowest upset price of the waste lands of the Crown in any such colony ; and it shall be lawful for her Majesty, by any instructions addressed to any such governor, under her Majesty's signet and sign manual, with the advice of her Majesty's Privy Council, either to raise the lowest upset price of the waste lands of the Crown in any such colony, or to disallow and reduce back, either wholly or in part, any increase of the said upset price which, in exercise of the authority vested in him, any such governor may, in manner aforesaid, have made of the upset price, by any such proclamation or proclamations as aforesaid : provided always, that no such instructions reducing the lowest upset price of land as raised by any such proclamation or proclamations shall be so issued

as aforesaid by her Majesty after the lapse of *six months* from the receipt by one of her Majesty's principal secretaries of state from such governor of a transcript of any such proclamation.

And be it enacted, that it shall not be competent to the governor of any such colony, nor, save as aforesaid, to her Majesty, to reduce the amount to which, in manner aforesaid, the lowest upset price of lands within such colony may at any time have been so increased by such governor, or by her Majesty.

And be it enacted, that in respect of any part not exceeding one tenth of the whole of the lands of the third class for the first time offered for sale at any such auctions as aforesaid, it shall be lawful for any such governor, by any such proclamation or proclamations as aforesaid, to name an upset price higher than the lowest upset price of waste lands in the colony, and such excepted lands of the third class shall be designated as "special country lots;" and that in respect of any lot or lots consisting of lands, either of the first or of the second classes to be comprised in any such sales, it shall be lawful for the governor for the time being to fix the upset price of any such lot or lots at any sum exceeding the lowest upset price of waste lands within the colony in which the same may be situated, and from time to time to raise or lower, as to him may seem requisite for the public interests, the price of such lots, consisting of lands of the first or the second class, so always that such upset price shall never be less than the lowest upset price of waste lands within the said colony.

And be it enacted, that no land comprised in the said first or second classes shall be sold in any of the said colonies, otherwise than by public auction; but that any lands comprised in the third of the said classes shall and may be sold by the governor for the time being of the colony within which the same are situate, by private contract, if the

same shall first have been put up to public auction in manner aforesaid, and shall not have been sold at such auction : Provided, that no such land shall be so sold by any such private contract for less than the upset price at which the same was last put up for sale by auction ; or if any bidding above that price was made for the same at such last preceding auction, then at less than the amount of such bidding, after deducting the amount of any deposit that may have been paid thereon ; provided also, that if between any two successive sales by auction an increase shall, in manner aforesaid, have been made of the upset price of lands, no land affected by such increase shall subsequently be sold by private contract, until after the same shall again have been put up to sale by auction at such increased upset price.

And be it enacted, that no waste lands of the Crown shall be sold in any such colony by any such private contract as aforesaid, except for ready money, to be paid at the signing of such contract ; and that no waste lands of the Crown shall be sold at any such public auction as aforesaid, unless on condition of paying at the time of the sale, in ready money, a deposit, the amount of which shall be fixed by any such proclamation or proclamations as aforesaid, at not less than *one-tenth* of the whole price, nor unless the purchaser or purchasers shall contract to pay the residue of such price, within *one calendar month* next after the time of such sale by auction ; and shall further contract that on failure of such payment the deposits shall be forfeited, and that the contract shall be thenceforward null and void.

And be it enacted, that by any proclamation or proclamations to be from time to time for that purpose issued by the governor of any such colony, in the manner hereinafter mentioned, it shall be lawful for him to divide such colony, for the purposes hereinafter mentioned, into any number of territorial divisions, not exceeding four ; and for the purposes, and within the meaning of this present act each of

such territorial divisions shall be considered as a distinct and separate colony, saving only that as regards the appropriation hereinafter directed, of a certain portion of the proceeds of sales of land to the introduction of emigrants from the United Kingdom, it shall be sufficient that such emigrants be introduced into any part of the entire colony, without reference to the territorial division in which such proceeds of sales may have accrued : and provided always, that it shall be lawful for her Majesty, by any instructions to be issued by her Majesty in manner before mentioned, to disallow and annul any such proclamation or proclamations ; provided, that such instructions be issued within *six calendar months* next after the receipt by one of her Majesty's principal Secretaries of State, from such governor of the transcript of such proclamation : provided also, that such instructions shall take effect within the said colony, upon the receipt thereof by the said governor, and not before.

And be it enacted, that if any person or persons shall offer to purchase from the governor of any such colony by private contract any block of unsurveyed land, comprising *twenty thousand* acres or more, and forming, as nearly as the natural landmarks of the country will admit, a parallelogram, of which no one side shall be more than twice the length of any other side, it shall be lawful for the governor, by any such private contract, to effect any such sale on such terms and conditions as to him shall seem meet : Provided, that such lands be not sold for less than the lowest upset price of lands per acre in the colony in which the same may be situated ; and provided, that the purchaser or purchasers of any such lands shall not be entitled to any survey thereof, except so far as may be necessary to ascertain the external marks and bounds thereof.

And whereas it may be convenient that means should be provided for the payment within the United Kingdom, of

the purchase-money of waste lands of the Crown within the said colonies : and whereas by a warrant under her Majesty's sign manual, bearing date on the tenth day of January one thousand eight hundred and forty, her Majesty was pleased to appoint certain persons therein named to be, during her Majesty's pleasure, Commissioners in the United Kingdom, for the sale of the waste lands of the Crown in her Majesty's colonies, and for superintending the emigration of her Majesty's subjects to such colonies ; be it therefore enacted, that if any person or persons shall pay for the purchase of waste lands of the Crown in any of her Majesty's Australian Colonies any sum or sums of money to the Commissioners of her Majesty's treasury of the United Kingdom of Great Britain and Ireland, or to any person or persons to be appointed by the said Commissioners of her Majesty's treasury, or any three of them, to receive the same, the said Commissioners of colonial lands and emigration for the time being are hereby authorized and required, subject to such rules as shall be prescribed for their guidance in that respect, by the Commissioners of her Majesty's treasury, to grant under their hands and seal of office certificates to any such purchaser or purchasers of the amount of any such payments, which certificates shall, on production thereof to the governor for the time being of any such colony, be received by him as equivalent to the amount of money for which the same shall respectively be given, so far, and only so far, as the same may be tendered to such governor in payment for the price of any waste lands of the Crown, to be there purchased, either at public auction or by private contract, in the manner and subject to the regulations by this present act prescribed, in respect of such purchasers.

And be it enacted, that nothing herein contained shall extend or be construed to extend to prevent the Governor of any of the said Colonies from granting to any person or

persons a license for the occupation, for any time not exceeding *twelve calendar months* from the date thereof, of any waste lands of the Crown in any such colony, or a license for felling, removing and selling the timber growing on any such lands.

And be it enacted, that all charges which shall be incurred in any of the Australian colonies for the expense of the survey and management of the waste lands of the Crown therein, or for effecting such sales by auction or by private contract, or otherwise in carrying into effect the provisions of this present Act within any such colony, shall, in the first instance, be chargeable upon and defrayed from the proceeds of sales of Waste Lands, unless provision shall otherwise be made for defraying such charges by any law or ordinance to be enacted by the local Legislature of any such Colony.

And be it enacted, that, subject to the charge above mentioned, *One equal half* part, at the least, of the proceeds of the sales of the waste lands of the Crown in each of the said colonies shall be, and the same is hereby appropriated towards defraying the expense of the removal from the United Kingdom to the colony wherein such revenue accrued, of emigrants not possessing the means of defraying the expense of their own emigration thither, which money shall be expended by the commissioners of Her Majesty's Treasury, or by such person or persons as shall be authorized by them to expend the same, but subject to such regulations regarding the selection of emigrants, the means to be provided for their conveyance, and their superintendence during the voyage to the colony to which they are destined, and for their reception and settlement in that colony, as shall from time to time be prescribed by Her Majesty in Her Privy Council, or through one of Her Majesty's principal Secretaries of State, to the governor of such respective colonies, and to the commissioners for the time being of colonial lands and emigration.

Provided always, and be it enacted, that nothing herein contained shall affect or be construed to affect any contract made by or on the behalf of Her Majesty with respect to any lands situate in any of the said colonies, in cases where such contracts shall have been lawfully made before the time at which this Act shall take effect in any such colony.

And be it enacted, that this Act shall take effect and have the force of law in each of the Australian colonies from the day of the receipt of a copy thereof by the governor of such colony, which day such governor shall certify and make known to the inhabitants of such colony by a proclamation, to be by him for that purpose forthwith issued.

And be it enacted, that by the words "Australian Colonies," as employed in this act, are intended and described the Colonies of New South Wales, Van Diemen's Land, South Australia and Western Australia, and New Zealand, with their respective Dependencies, as such colonies are now or shall hereafter be defined and limited, and also any other colonies which may hereafter be established within any of the existing limits of the said five colonies, unless it shall in any case seem fit to Her Majesty, by any instrument under the great seal, by which any such new colony may be founded, to postpone either for any period to be therein limited, or indefinitely, as to Her Majesty shall seem meet, the time at which this act shall take effect within any such new colony, in which case this act shall take effect therein from the time to be so limited by such commission, and not before.

And be it enacted, that by the word "Governor," as employed in the present Act, is intended and described the person who for the time being shall be lawfully administering the government of any of the said colonies respectively; and that the several proclamations which the governors of the said respective colonies are hereby authorized to issue,

shall be so issued by him, under the public seal of the colony, and shall be made public in the most authentic and formal manner in use in any such colony; and that by the words "Waste lands of the crown," as used in the present Act, are intended and described any lands situate therein, and which now are or shall hereafter be vested in Her Majesty, her heirs and successors, and which have not been already granted or lawfully contracted to be granted to any person or persons in fee simple, or for an estate of freehold, or for a term of years, and which have not been dedicated and set apart for some public use.

And be it enacted, that this Act may be altered or amended during the present Session of Parliament.

THE END.







